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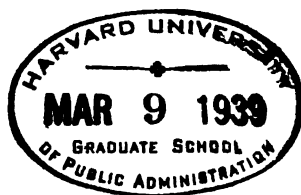
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**STATE PAPERS**

AND

**PUBLIC DOCUMENTS**

OF

**THE UNITED STATES,**

FROM THE

**ACCESSION OF GEORGE WASHINGTON TO THE PRESIDENCY, EXHIBITING A COMPLETE VIEW OF OUR FOREIGN RELATIONS SINCE THAT TIME.**

**VOLUME IX.**

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**THIRD EDITION.**

**PUBLISHED UNDER THE PATRONAGE OF CONGRESS.**

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INCLUDING

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*Dr. Gardner W. Allen*

DEPOSITED IN THE  
GRADUATE SCHOOL OF  
PUBLIC ADMINISTRATION

**DISTRICT OF MASSACHUSETTS, TO WIT:**

**DISTRICT CLERK'S OFFICE.**

BE it remembered, that on the twelfth\* day of January, A. D. 1819, and in the forty-third year of the Independence of the United States of America, Thomas B. Wait, of the said district, has deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

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**JNO. W. DAVIS,**

Clerk of the District of Massachusetts.

\* The date of the certificate of copy right in Vols. I, II and XI, instead of the *first* should be the *twelfth* day of January.

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# AMERICAN STATE PAPERS.

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## DOCUMENTS

ACCOMPANYING THE PRESIDENT'S MESSAGE OF JULY 6, 1812.

[Continued from Vol. VIII.]

*The Secretary of State to the President of the United States.  
Department of State, Feb. 20, 1800.*

**T**HE Secretary has the honour to lay before the President—

1. Mr. Liston's note of February 2d, 1800, with papers referred to relative to the rescue of three American vessels from the hands of the British captors, and for the restoration of which he is instructed by his government to apply.

2. Mr. Liston's note of the 4th February, together with his project of a treaty for the reciprocal delivery of deserters; which appears to the Secretary utterly inadmissible, unless it would put an end to impressments, which Mr. Liston seemed to imagine, while the 7th paragraph of his project expressly recognises the right of impressing British subjects, and consequently American citizens, as at present.

TIMOTHY PICKERING.

R. LISTON presents his respects to colonel Pickering, Secretary of State.

I have, from time to time, taken the liberty of making verbal complaints to you, sir, respecting the practice lately become frequent among the masters and supercargoes of American merchantmen, of rescuing by force or by fraud such vessels as have been detained by the commands of his majesty's ships of war with a view to future trial in a court of admiralty.

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I, in particular, mentioned the cases stated at large in the enclosed papers.

The first is that of the brigantine *Experience*, detained on the 25th May, by captain Poyntz, of his majesty's ship *Solebay*. She came from *Campeachy*, was said to be bound for *Charleston*, (S. C.) and was loaded with log-wood. The cargo was suspected to be enemies' property; and she was afterwards found to have a complete set of Spanish papers.

The American master, *Hewitt*, and *Howe*, the supercargo, with the consent of the British seamen who were put on board to navigate her, overpowered the prize master, (Mr. *Bryce*) kept him prisoner several days, and at last, by threats and violence, forced him to leave the vessel and to go on board of a schooner bound for *New Providence*.

The second is the case of the ship *Lucy*, commanded by a Mr. *James Conolly*, a native of *Ireland*, calling himself a citizen of the *United States*, which was stopt on the 3d of *June*, by captain *Ferrier*, of his majesty's ship *York*. This vessel had smuggled one hundred and eighty-seven new negroes from *Jamaica*. The captain found means to forge a clearance from the custom house of *Kingston*, and afterwards loaded goods at the *Havana*, partly the property of enemies, and partly belonging to a Mr. *Courtauld*, a British subject, who recently held a place in the customs under his majesty's government.

A lieutenant, a quarter-master and ten men, were put on board the *Lucy* to conduct her to *Jamaica*; and with a view to accommodate the master and the other persons who were found in the vessel, Mr. *Conolly*, Mr. *Courtauld*, his nephew, two other passengers, with servants and seamen, amounting to twelve in all, were permitted by captain *Ferrier* to remain on board on their parole. They however secretly armed themselves, and in the night surprised the watch, confined the prize master and the British seamen, and carried the ship to *Charleston*.

The third case is that of the *Fair Columbian*, *Edward Casey*, master, detained by his majesty's ship the *Hind*, in company with the sloop of war the *Swan*. She had come from the *Havana*; had no sea brief or register on board; was commanded by a person who had deserted about nine months before from his majesty's ship *Polyphe-*

mus; and according to the concurrent testimony of eight or nine masters of American vessels which had sailed in company with her from the Havana, was loaded with Spanish property.

These circumstances affording a sufficient cause of suspicion, she was ordered for Bermuda; but the master, by the use of bribery and intoxication, succeeded in inducing the prize master and crew to permit her to be carried into the port of Baltimore.

It is unnecessary to employ arguments to prove that these irregularities are an infringement of the law of nations. The tenour of the instructions given by the President to the vessels of war of the United States, involves an acknowledgment of the right of the king's ships to search and detain such American vessels as are suspected of being loaded with enemies' property, or with contraband of war destined for an enemy's port. It remains that I should add, that I have now received express orders from his majesty, to claim as an act of justice (which is expected from the candour of the federal government, and the good understanding which subsists between the two countries) that the vessels, of which the masters and supercargoes have thus illegally repossessed themselves, be delivered up to me, together with the British seamen and the deserters who have assisted in rescuing them out of the hands of the prize masters, that they may be sent to some one of his majesty's colonies, to be there dealt with according to law.

Philadelphia, Feb. 2, 1800.

R. LISTON presents his respects to colonel Pickering, Secretary of State.

I have the honour, sir, of enclosing a duplicate of my letter of the 18th December, to vice admiral sir Hyde Parker, soliciting the discharge of certain American seamen said to be detained on board of his squadron on the Jamaica station; and I flatter myself it will have the desired effect, although it be not accompanied by copies of the documents attesting their citizenship. I cannot, however, omit this opportunity of calling to your remembrance what I have frequently stated in conversation, that while the papers called *protections* are granted with a fraudulent

intention, or without a proper examination of facts, by inferior magistrates or notaries publick in the United States, and while they can easily be procured by such natural born subjects of his majesty as choose to abandon his service in the hour of danger, it is not to be expected that any regard will be paid to them by the commanders of British ships of war. And I beg leave once more to urge you to take into consideration—as the only means of drying up every source of complaint and irritation upon this head—the proposal I had the honour of making two years ago (in the name of his majesty's government) for the reciprocal restitution of deserters.

Philadelphia, Feb. 4, 1800.

1. WHEREAS, by the 28th article of the treaty of amity, commerce, and navigation, concluded at London on the 19th day of November, 1794, between his Britannick majesty and the United States, it was agreed, in order to facilitate intercourse, and obviate difficulties, that other articles should be proposed and added to the treaty above mentioned, which articles, from want of time and other circumstances, could not then be perfected, and that the said parties should from time to time regularly treat of and concerning such articles, and should sincerely endeavour so to form them as that they might conduce to mutual convenience, and tend to promote mutual satisfaction and friendship ; and that the said articles, after having been duly ratified, should be added to and make a part of the above mentioned treaty :

2. And whereas, it will greatly conduce to the maintenance and improvement of that friendship and harmony now subsisting between the contracting parties, that measures should be taken by mutual consent for the giving up of deserters on each side :

3. Therefore, the parties have with this view appointed their respective ministers to meet, negotiate, and conclude on this subject ; that is to say, his Britannick majesty, Robert Liston, Esq. his majesty's envoy extraordinary and minister plenipotentiary to the United States of America ; and the United States, — — — :

4. Who, having communicated to each other their respective full powers, have agreed on the following article

to be added to the above mentioned treaty and to form a part thereof :

ADDITIONAL ARTICLE.

5. It is agreed that no refuge or protection shall be afforded, in the territories or vessels of either of the contracting parties, to the captains, officers, mariners, sailors, or other persons, being part of the crews of the vessels of the respective nations, who shall have deserted from the said vessels ; but that on the contrary, all such deserters shall be delivered up, on demand, to the commanders of the vessels from which they have deserted, or to the commanding officers of the ships of war of the respective nations, or such other persons as may be duly authorized to make requisition in that behalf, provided that proof be made by an exhibition of the register of the vessel or ship's roll, or authenticated copies of the same, or by other satisfactory evidence, that the deserters so demanded were actually part of the crew of the vessels in question.

6. With a view to the more effectual execution of this article, the consuls and vice consuls of his Britannick majesty and of the United States may cause to be arrested all persons who have deserted from the vessels of the respective nations as aforesaid, in order to send them back to the commanders of the said vessels, or to remove them out of the country. For which purpose the said consuls and vice consuls shall apply to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving as aforesaid that they were part of the said crews, and on this demand so proved the delivery shall not be refused ; and there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back or removing them as aforesaid. But if they be not so sent back or removed within three months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

7. It is however understood that this stipulation is not to extend to authorize either of the parties to demand the

delivery of any sailors, subjects, or citizens, belonging to the other party, who have been employed on board the vessels of either of the respective nations, and who have in time of war or threatened hostility voluntarily entered into the service of their own sovereign or nation, or have been compelled to enter therein, according to the laws and practice prevailing in the two countries respectively.

8. It is further agreed, that no refuge or protection shall be afforded by either of the contracting parties to any soldiers who may desert from the military service of the other, but that, on the contrary, the most effectual measures shall be taken, in like manner as with respect to sailors, to apprehend any such soldiers, and to deliver them to the commanding officers of the military posts, forts or garrisons, from which they have deserted, or to the consuls or vice consuls on either side, or to such other person as may be duly authorized to demand their restitution.

9. It is however understood that no stipulation in this additional article shall be construed to empower the civil or military officers of either of the contracting parties forcibly to enter into the publick ships of war, or into the forts, garrisons, or posts of the other party, or to use violence to the persons of the land or sea officers of the respective nations with a view to compel the delivery of such persons as may have deserted from the naval or military service of either party as aforesaid.

*The Secretary of State to Mr. Liston. Department of State, Philadelphia, May 3, 1800.*

SIR,—In reference to your letter of the 2d February last, I soon after took occasion to intimate to you what appeared to be the President's way of thinking on the subject. I have now the honour to state to you, that while, by the law of nations, the right of a belligerent power to capture and detain the merchant vessels of neutrals, on just suspicion of having on board enemy's property, or of carrying to such enemy any of the articles which are contraband of war, is unquestionable, no precedent is recollected, nor does any reason occur which should require

the neutral to exert its power in aid of the right of the belligerent nation in such captures and detentions. It is conceived that after warning its citizens or subjects of the legal consequences of carrying enemy's property or contraband goods, nothing can be demanded of the sovereign of the neutral nation, but to remain passive. If, however, in the present case, the British captors of the brigantine Experience, Hewit, master, the ship Lucy, James Conolly, master, and the brigantine Fair Columbia, Edward Casey, master, have any right to the possession of those American vessels, or their cargoes, in consequence of their capture and detention, but which you state to have been rescued by their masters from the captors, and carried into ports of the United States, the question is of a nature cognizable before the tribunals of justice, which are opened to hear the captor's complaints, and the proper officer will execute their decrees.

You suggest that these rescues are an infringement of the law of nations. Permit me to assure you that any arguments which you shall offer to that point will receive a just attention.

With regard to the British seamen and deserters who have assisted in the rescues, with great truth I am authorized to assure you, that the government have no desire to retain them: but besides that the many months elapsed since those events, and the consequent dispersion of the men, would probably render their delivery impracticable, it is not known to be authorized by any law. This has brought into view your project of stipulations for the mutual delivery of deserters, whether seamen or soldiers: and I have now the honour to enclose a counter project, by which you will see the objections which have occurred to your propositions. The President has been pleased to direct and empower me to negotiate with you on this subject, and it will afford him great pleasure if we can make a satisfactory arrangement.

I have the honour to be, &c. &c.

TIMOTHY PICKERING.

Robert Liston, Esq.

1. It is agreed that no refuge or protection shall be afforded in the territories or vessels of either of the con-

tracting parties, to the officers, mariners, or other persons, being part of the crews of the vessels of the respective nations, who shall desert from the same ; but that on the contrary, all such deserters shall be delivered up on demand, to the commanders of the vessels from which they shall have deserted, or to the commanding officers of the ships of war of the respective nations, or such other persons as may be duly authorized to make requisition in that behalf: *Provided*, That proof be made by exhibition of the shipping paper or contract, or authenticated copies thereof, or by other satisfactory evidence, that the deserters so demanded were actually part of the crews of the vessels in question.

2. With a view to the more effectual execution of this article, the commanders of the vessels from which such desertions shall take place, and the consuls and vice consuls of his Britannick majesty and of the United States, respectively, may cause to be arrested all persons who shall desert from the vessels of the respective nations as aforesaid. And for this purpose, the said commanders, consuls, and vice consuls, shall apply to the courts, judges, and officers competent, and shall demand the said deserters in writing, and adduce proof of their desertion as aforesaid ; and on this demand and satisfactory proof, the delivery shall be made. And there shall be given all necessary aid to the said commanders, consuls and vice consuls, for the search, seizure, and arrest of the said deserters, who, if it be requested, shall be detained and kept in prison, at the expense of those who demand them as aforesaid, until they can be put on board their own or other vessels of their nation, or be otherwise sent back to their own country: *Provided*, That if this be not done within three months from the day of their arrest, such deserters shall be set at liberty, and not be again arrested for the same cause.

3. It is further agreed, that no refuge or protection shall be afforded by either of the contracting parties to any non-commissioned officer or soldier who may desert from the military service of the other ; but that on the contrary, the most effectual measures shall be taken, in like manner as with respect to sailors, to apprehend any such non-commissioned officers and soldiers, and to deliver them to the commanding officers of the military

posts, forts or garrisons, from which they have deserted, or to the consuls or vice consuls on either side, or to such other person as may be duly authorized to demand their restitution.

4. It is however understood that nothing in these stipulations shall be construed to empower the civil, military, or naval officers of either of the contracting parties forcibly to enter into the territory, forts, posts, or vessels of the other party, or to use violence to the persons of the commanders or other officers of the forts, posts, or vessels of the other party, with a view to compel the delivery of such persons as shall desert as aforesaid.

*The Secretary of the Treasury to the President.*

THE Secretary of the Treasury respectfully submits the following observations, in obedience to the direction of the President of the United States.

The project of a treaty proposed by the ministry of his Britannick majesty for the reciprocal delivery of deserters from the land and naval service, does not sufficiently provide against the impressment of American seamen, and is therefore deemed inadmissible. The ideas of the Secretary of the Treasury on this subject are stated in the counter project hereto subjoined, and will be found to be essentially the same as those of the Secretary of State.

The Secretary of the Treasury fully concurs in opinion with the Secretary of State, respecting the reply proper to be given to the notes of Mr. Liston, dated 2d and 4th February last, demanding the restitution of several American vessels captured by British cruisers and rescued by the crews of said vessels.

All which is respectfully submitted, by

OLIVER WOLCOTT,

Secretary of the Treasury.

Treasury Department, April 14, 1800.

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*Additional Articles proposed to be added to the Treaty of Amity, Commerce and Navigation, concluded at London, on the 19th Day of November, 1794, and to form a part of said Treaty.*

1. It is agreed that no refuge or protection shall be afforded to the officers, mariners, or other persons, being part of the crews of the vessels of the respective nations, who shall hereafter desert from the same ; but that on the contrary, all such deserters shall be delivered up on demand, to the commanders of the vessels from which they shall have deserted, or to the commanding officers of the ships of war of the respective nations, or such other persons as may be duly authorized to make requisition in that behalf : *Provided*, that proof be made *within two years after the time of desertion*, by an exhibition of the shipping paper, or contract, or authenticated copies thereof, or by other satisfactory evidence, that the deserters so demanded were actually part of the crews of the vessels in question.

2. With a view to the more effectual execution of the foregoing article, the commanders of the vessels from which such desertions shall take place, and the consuls and vice consuls of his Britannick majesty and the United States, respectively, may cause to be arrested all persons who shall desert from the vessels of the respective nations as aforesaid ; and for this purpose the said commanders, consuls, and vice consuls, shall apply to the courts, judges, and officers competent, and shall demand the said deserters in writing, and adduce proofs of their desertion as aforesaid ; and on such demand and satisfactory proof as aforesaid, the delivery shall be made. And there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure and arrest of the said deserters, who, if it be requested, shall be kept and detained in the prisons of the country, at the expense of those who demand them as aforesaid, until they can be put on board their own or other vessels of their nation, or be otherwise sent back to their own country : *Provided*, That if this be not done within three months from the day of their arrest, such deserters shall be set at liberty, and not be again arrested for the same cause.

3. It is further agreed that no refuge or protection shall be afforded by either of the contracting parties, to any person who shall hereafter desert from the military land service of the other; but that, on the contrary, the most effectual measures shall be taken, in like manner and on like conditions as with respect to sailors, to apprehend any such deserters from the land service, and to deliver them to the commanding officers of the military posts, forts or garrisons, from which they shall have deserted, or to the consuls or vice consuls on either side, or to such other persons as may be duly authorized to demand their restitution.

4. It is however understood that nothing in the foregoing stipulations shall be construed to empower the civil or any other officers, of either party, forcibly to enter the forts, posts, or any other place within or under the jurisdiction of the other party; nor to empower the naval commanders or other officers, of either party, forcibly to enter any publick or private vessel of the other party, on the high seas, with a view to compel the delivery of any person whatever: on the contrary, it is expressly declared to be the understanding of the contracting parties, that the mutual restitutions of persons claimed as deserters shall only be made by the free and voluntary consent of the military officers employed in the land service, or the commanders of the publick or private ships or vessels of the two parties, or in pursuance of the decisions of the courts, judges, or other competent civil officers of the two nations, in all cases arising within their respective jurisdictions.

OLIVER WOLCOTT.

April 14, 1800.

THE Secretary of War respectfully submits the following observations, in obedience to the direction of the President of the United States.

The Secretary very much doubts the soundness of the principle upon which a refusal to deliver up merchant vessels captured by a belligerent power, is founded. It appears to the Secretary, considering the question upon general ground, that merchant vessels belonging to a neu-

tral nation, seized by a belligerent power on the high sea, for violating the laws of neutrality, cannot, agreeably to the law of nations, be rightfully retaken by a vessel of the neutral power, nor, if retaken and brought into a port of the neutral nation, rightfully withheld by that nation from the captors. It results from this principle, that a vessel or its cargo being prize or no prize cannot be rightfully determined in other tribunals than those of the nation exercising the right of capture, the right to try in the appropriate courts of the country of the captors following the right to capture.

It may be asked, is the right which a belligerent power acquires to the property of its enemy seized in a neutral vessel full and perfect? To this it may be answered, that the right thus acquired is full and perfect as relative to exempting it from capture by any neutral vessel. For, if the merchant vessel which contains the property, may, after its being seized or possessed by the belligerent power, use *force* to recover it, so may every other merchant vessel belonging to the neutral nation. Further, if the crews of the neutral vessels may recapture, it would seem that our vessels of war could also recapture, the contrary whereof is to be collected from the statute which authorizes recaptures of our vessels taken by the French. But the state of neutrality does not permit a neutral power to espouse, in any manner whatever, either side, or to prefer one to the other belligerent party. It is the indispensable duty of neutrals "*Bello se non interponant.*" To recapture the property of either from the other, is a clear meddling in the war, and direct violation of every principle of neutrality.

If the property in a neutral vessel was *enemy's property* or contraband of war, the belligerent vessel, having once *made prize of it*, has a clear right to it, of which the crew of the neutral vessel cannot divest her by recapture. To the Secretary it appears a sound position, that neutral nations ought to regard the parties at war as *lawful proprietors* of all that they take from each other; consequently, it cannot be right for the citizens of a neutral nation to interfere to rescue from one of the belligerent powers property which he had taken belonging to the other. A neutral vessel loads with enemy goods at a known

risk, that of their being subject to capture, and under the obligation only to use all due endeavours to avoid an enemy or capture; here the obligation of the neutral ends, for she is not permitted, if taken, to recover the goods by recapture, the nation only to whose citizens or subjects they belonged (or the parties at war with the captors) possessing that right.

By the law of nations, a neutral vessel met at sea is liable to be seized by a vessel of war, as the case may be, of either of the belligerent powers. This law gives the additional right, if the belligerent vessel is not satisfied with his search, to *carry the neutral vessel into the country of the captors*, there to be examined, tried and condemned (if she has violated the neutrality) in its courts, established for the inquiry into the subject, and to compel by force the neutral to submit to search, and also to be carried into the country of the captors.

If such ships shall be attacked in order to an examination, and shall refuse, they may be assaulted like a house supposed to have thieves or pirates in it, refuses to yield up their persons, may be broken up by the officer, and the persons resisters may be slain.—Malloy de Jure Mar. et Nav. L. I. C. 3, S. xiii.

It also appears to the Secretary, that if a neutral vessel found at sea refuses, and *resists by force* to be searched, she, for such conduct, is liable to be condemned as lawful prize. If the law of nations gives a *right to search*, it cannot allow a *right to resist a search by force*. The two rights cannot exist. They are perfectly inconsistent. If the *first* is lawful the *latter* must be unlawful, consequently liable to some punishment, or the right would be nugatory. If the law of nations gives also a right to carry the neutral vessel into the country of the captors' courts, this right also cannot be resisted or opposed by force without violating the law. It would seem to the Secretary, that the persons who resist the search by force, or resist or prevent by force the neutral vessel being carried into the captors' country for trial, must by such conduct be guilty of a breach of the law of nations, and if so they must be liable to some punishment, and if the nation to which they belong does not punish them, on application to that effect, it thereby becomes a party to the

wrong. The Secretary cannot think that either the right of search, or of carrying the neutral into the country of the captors, is founded on *superiority of force*, but on the law of nations. This opinion the Secretary rests upon Vattel, L. 3, C. 7, S. 114; Marten's law of nations, N. 323; Lee on captures; the report on the Silesia loan, &c.

The Secretary, however, cannot venture to disapprove of the answer proposed to be given by the Secretary of State. He does not know of any precedent of a neutral nation exerting its power in any similar case of recapture in aid of the right of the belligerent power, but, unquestionably there is reason so to do, if the idea he has presented of the law of nations is accurate. He thinks it probable also, without pretending to be positive, that instances of recapture like the present are few.

In some future time America may stand in relation to other powers as Great Britain stands at this time, and may wish to make the same claim that she does now. The Secretary *greatly* doubts, but with great deference, whether the cases in question, of recaptures, are cognizable before our courts of justice; the subject seems rather to belong to the Executive. Peculiar caution may be proper, for fear at some future period our proceeding may be urged against us to our detriment. If it appears necessary to reconsider the subject, the Secretary would beg leave to suggest the propriety of adding, that as there is no provision by treaty or apposite law of the United States on the subject, it might be advisable to make some stipulation by treaty.

The Secretary is inclined to believe, that, if any, there is not sufficient remedy for the delivery of deserters from British vessels. He has understood that some of our courts had determined, that the law of Congress concerning seamen relates to American seamen only. The claim for British seamen who have or may desert is just, and ought to be reciprocal. The Secretary thinks the project of Mr. Liston may be substantially accepted, except the 7th article, which seems to provide that the United States shall not demand the delivery of any sailors, although their citizens, if they have been employed on board British vessels, and who have, in time of war or threatened

*hostilities*, voluntarily entered into the British service, or have been compelled to enter therein, according to the law and practice prevailing in Great Britain. This article is very inaccurately expressed; for it says, "employed or entered into the service of their own sovereign or nation, or compelled to enter therein," &c. If this article means what it is apprehended it does, it is wholly inadmissible. It establishes a principle reprobated by this country. The counter project of the Secretary of State, in substance, meets the Secretary's approbation; but it is submitted, whether the adoption of part of the draught by the Secretary of the Treasury will not improve it.

All which is respectfully submitted.

JAMES M'HENRY.

War Department, April 18, 1800.

*Mr. Stoddert, Secretary of the Navy, to the President.*

THE Secretary of the Navy, in obedience to the order of the President, respectfully submits the following observations, on the matters of reference to the heads of departments.

The proposed letter of the Secretary of State, in answer to Mr. Liston's notes of the 2d and 4th February, demanding the restitution of American vessels captured by British ships and rescued by their own crews, appears to the Secretary of the Navy, entirely proper. He believes the demand is neither sanctioned by precedent, nor the law of nations. Should it be otherwise, Mr. Liston, as invited by the Secretary of State, will show it.

Mr. Liston's project of an article on the subject of deserters, secures to his nation every thing it could require, but affords no security to the United States in a point of equal interest with them, that their merchant vessels will not be interrupted on the high seas, in order to impress from them their crews, under pretence of being deserters.

It is certainly just that the United States should afford to Great Britain all the reasonable security they have a right to expect from a friendly nation, against the loss of their seamen—a loss of all others the most serious to a na-

tion depending on maritime strength for its power—perhaps for its safety. But it is equally just that the United States should be secured against the impressment of their seamen on the high seas, and the interruption of their merchant vessels. The project of the Secretary of the Treasury meets the full approbation of the Secretary of the Navy : it seems to comprehend every thing that ought to be required on either side. But it is so desirable to have a right understanding on a subject so likely to produce ill blood, that rather than not agree, the Secretary of the Navy thinks the word *hereafter*, if positively insisted on, may be struck out of that project—and submits, whether, for the sake of accommodation, the limitation of time in which deserters may be claimed, *if strenuously urged by Mr. Liston*, may not be extended to three years. The Secretary is clearly of opinion, that it is better to have no article, and to meet all consequences, than not to enumerate merchant vessels, on the high seas, among the things not to be forcibly entered in search of deserters.

All which is respectfully submitted.

BEN. STODDERT.

Navy Department, April 23, 1800.

*The Attorney General of the United States to the President.  
Philadelphia, February 26, 1800.*

SIR,—In obedience to your direction, to report my opinion upon the matters contained in the two letters of his Britannick majesty's minister to the Secretary of State, dated 2d and 4th instant, the following is respectfully submitted to your consideration.

In the first mentioned letter, a claim is made, by the express order of his Britannick majesty, that three American merchant vessels, namely, the brigantine *Experience*, the ship *Lucy*, and the brigantine *Fair Columbian*, which had been stopped and detained upon the high sea by several British ships of war under a suspicion of having enemies' property on board, and afterwards taken out of the hands of the prize masters, the two first by force, and the last without force, and brought into the United States, should be delivered up to the minister, together

with the British seamen and deserters who assisted in those rescues, that they may be sent by him to some one of the British colonies, to be there dealt with according to law. This claim is to be considered as it relates to the American ships, and as it relates to the British seamen.

#### THE AMERICAN SHIPS.

No stipulation in the treaties between the two nations authorizes the demand for restitution of the American ships. It is therefore to be decided by the practice of friendly nations, which, upon this subject, is the only law.

It is not denied that a belligerent has a right to stop a neutral ship on the high sea suspected to have on board either contraband merchandise, destined to an enemy's port, or enemies' goods, and a right to send such neutral ship to a competent court for examination and trial: and it is equally true that this right is recognised in the President's instructions to the American ships of war. But while the right of searching neutral ships is acknowledged, it is not acknowledged that the sovereign of the neutral nation is under any obligation, by active measures, to aid and assist the sovereign of the belligerent nation in the exercise of this right. It is a right derived from war, which the belligerent nation is suffered to exercise in consequence of its superior force, upon condition that reasonable satisfaction be made, in all cases of unjust detention, to the neutral ship; and all that is expected of the sovereign of the neutral nation is to remain passive.

The practice of searching and detaining neutral ships being grounded on the right which one enemy has of injuring and weakening the other, the neutral nation permits her merchant ships, under certain circumstances, to be stopped, treated and held as an enemy by the belligerent, but the belligerent in so doing must depend on his own strength and means, and may not call upon the sovereign of the neutral to aid him in enforcing the rights of war against his own neutral subjects, in those cases where no positive stipulations have been made by treaty. Hence arises the practice of putting on board a neutral ship, when detained and sent for adjudication, a prize master and a suf-

ficient number of men for carrying her into port against the will of the neutrals.

That a neutral nation should be required to exert its power in aid of the right of detaining and searching its own ships, which belligerents are allowed to exercise, is believed to be without precedent. If ever a restitution of neutral ships, detained and rescued under similar circumstances, has been claimed by the sovereign of a belligerent nation from the government of the neutral nation, the case is unknown to me. Such a claim is believed never to have been made, or if made, never granted.

Whatever right the British captors have (if any they have) to the possession of the American ships, is of a nature cognizable before the tribunals of justice, which are open to hear their complaints.

For these reasons, the President is advised to abstain from any act for the restitution of the ships, and that the British minister be informed that this part of the claim cannot be complied with.

#### THE BRITISH SEAMEN.

In demanding the British seamen who were brought in the repossessed vessels into the United States, I see nothing improper or unreasonable. These may be apprehended by warrants, to be issued by any justice of the peace, upon due proof, in those states where the state laws have so provided; and being apprehended, may be delivered to the master, or other person duly authorized to receive them. The act of Congress concerning seamen is believed to be confined to American seamen only, and consequently will afford no aid or remedy in the present case: and the remedy under the state laws may not be always found to answer the purpose. The claim of the British seamen in the present instance being reasonable, the minister may be answered, that every assistance shall be given for the recovery of them which the laws of this country admit and direct.

It certainly is an object of particular concern to the British nation, to come to an agreement with the United States relative to deserters from the sea service, and it is not less interesting to the United States to come to an

agreement with Great Britain relative to the impressment of American seamen. The project of an article relative to deserters, as proposed by Mr. Liston, so far as I understand it, appears to be reasonable : But the 7th clause of that project is so expressed as not to be certainly understood by me, and will require to be otherwise expressed that its meaning may not be misapprehended. If this article is associated with another concerning the impressment of American seamen in terms satisfactory to our government, I think it will be highly advisable to agree upon such stipulations. The one will be very agreeable to the British, and the other to the American nation, and especially at a time when the sensibility of the two nations seems to be a little excited upon those subjects. A proposal of this kind I think should be made without delay to the British minister here.

I am, &c. &c.

CHARLES LEE.

To John Adams, President of the United States.

THE attorney general having read and considered the letter of the Secretary of State and the project of an article drawn by the Secretary of the Treasury on the subject of deserters, which are proposed to be sent to the British minister here, expresses his entire approbation of the same.

April 30, 1800.

*Extract of a Letter from John Marshall, Esq. Secretary of State, to Rufus King, Minister Plenipotentiary of the United States at London. Department of State, September 20, 1800.*

"THE impressment of our seamen is an injury of very serious magnitude, which deeply affects the feelings and the honour of the nation.

"This valuable class of men is composed of natives and foreigners who engage voluntarily in our service.

"No right has been asserted to impress the natives of America. Yet they are impressed, they are dragged on board British ships of war, with the evidence of citizen-

ship in their hands, and forced by violence there to serve, until conclusive testimonials of their birth can be obtained. These must most generally be sought for on this side the Atlantick. In the mean time acknowledged violence is practised on a free citizen of the United States, by compelling him to engage, and to continue in foreign service. Although the lords of the admiralty uniformly direct their discharge on the production of this testimony, yet many must perish unrelieved, and all are detained a considerable time in lawless and injurious confinement.

"It is the duty as well as the right of a friendly nation, to require that measures be taken by the British government to prevent the continued repetition of such violence by its agents. This can only be done by punishing and frowning on those who perpetrate it. The mere release of the injured, after a long course of service and of suffering, is no compensation for the past, and no security for the future. It is impossible not to believe, that the decisive interference of the government in this respect, would prevent a practice, the continuance of which must inevitably produce discord between two nations which ought to be the friends of each other.

"Those seamen who, born in a foreign country, have been adopted by this, were either the subjects of Britain or some other power.

"The right to impress those who were British subjects has been asserted, and the right to impress those of every other nation has not been disclaimed.

"Neither the one practice nor the other can be justified.

"With the naturalization of foreigners, no other nation can interfere further than the rights of that other are affected. The rights of Britain are certainly not affected by the naturalization of other than British subjects. Consequently those persons who, according to our laws, are citizens, must be so considered by Britain, and by every other power not having a conflicting claim to the person.

"The United States therefore require positively, that their seamen who are not British subjects, whether born in America or elsewhere, shall be exempt from impressments.

“The case of British subjects, whether naturalized or not, is more questionable; but the right even to impress them is denied. The practice of the British government itself, may certainly in a controversy, with that government, be relied on. The privileges it claims and exercises ought to be ceded to others. To deny this would be to deny the equality of nations, and to make it a question of power and not of right.

“If the practice of the British government may be quoted, that practice is to maintain and defend in their sea service all those, of any nation, who have voluntarily engaged in it, or who, according to their laws, have become British subjects.

“Alien seamen, not British subjects, engaged in our merchant service, ought to be equally exempt with citizens from impressments: we have a right to engage them, and have a right to and an interest in their persons to the extent of the service contracted to be performed. Britain has no pretext of right to their persons or to their service. To tear them, then, from our possession, is at the same time an insult and an injury. It is an act of violence for which there exists no palliative.

“We know well that the difficulty of distinguishing between native Americans and British subjects has been used, with respect to natives, as an apology for the injuries complained. It is not pretended that this apology can be extended to the case of foreigners, and even with respect to natives we doubt the existence of the difficulty alleged. We know well that among that class of people who are seamen, we can readily distinguish between a native American and a person raised to manhood in Great Britain or Ireland; and we do not perceive any reason why the capacity of making this distinction should not be possessed in the same degree by one nation as by the other.

“If, therefore, no regulation can be formed which shall effectually secure all seamen on board American merchantmen, we have a right to expect from the justice of the British government, from its regard for the friendship of the United States and its own honour, that it will manifest the sincerity of its wishes to repress this offence, by punishing those who commit it.

"We hope, however, that an agreement may be entered into satisfactory and beneficial to both parties. The article which appears to have been transmitted by my predecessor, while it satisfies this country, will probably restore to the naval service of Britain a greater number of seamen than will be lost by it. Should we even be mistaken in this calculation, yet the difference cannot be put in competition with the mischief which may result from the irritation justly excited, by this practice, throughout the United States. The extent and the justice of the resentments it produces, may be estimated, in Britain, by inquiring what impressions would be made on them by similar conduct on the part of this government.

"Should we impress from the merchant service of Britain, not only Americans but foreigners, and even British subjects, how long would such a course of injury unredeemed be permitted to pass unrevenged? How long would the government be content with unsuccessful remonstrance and unavailing memorials? I believe, sir, that only the most prompt correction of, compensation for, the abuse, would be admitted as satisfaction in such a case.

"If the principles of this government forbid it to retaliate by impressments, there is yet another mode which might be resorted to. We might authorize our ships of war, though not to impress, yet to recruit sailors on board British merchantmen. Such are the inducements to enter into our naval service that we believe even this practice would very seriously affect the navigation of Britain. How, sir, would it be received by the British nation?

"Is it not more advisable to desist from, and to take effectual measures to prevent, an acknowledged wrong, than by perseverance in that wrong to excite against themselves the well founded resentments of America, and force our government into measures which may very possibly terminate in an open rupture."

## No. 2.

*Extract of a Letter from Thomas Pinckney, Esquire, to the Secretary of State. London, Jan. 3, 1793.*

"I HAVE only time to say, by the present opportunity, that their contents shall be duly attended to. I have strongly urged the adoption of equitable regulations concerning seamen, and from a conference with lord Grenville this day, I have greater hope of a favourable termination of this negotiation than I hitherto entertained. My expectations on this head are, however, only founded on what lord Grenville declares to be his own ideas of the subject at present; but as this business particularly concerns another department, nothing conclusive can be relied on from a declaration thus expressly confined."

*Extract of a Letter from Thomas Pinckney, Esquire, to the Secretary of State. London, March 13, 1793.*

"OUR trade continues subject to great inconvenience, both from our seamen being impressed from the idea of their being British subjects, and from their entering voluntarily on board of the king's ships, tempted by the present high bounties. I have had frequent conversations on this subject with lord Grenville, who always expresses himself to be sensible of the inconvenience to which we are subjected, and desirous to apply a remedy; but still nothing decisive is done. Our consuls are permitted to protect from impressment such of our seamen as are natives of America, but no others; and the difficulty of determining by agreement who besides natives are to be considered as citizens of the United States, will, I fear, during the present generation at least, remain an obstacle to every other plan than that of letting the vessel protect a given number of men, according to her tonnage. I insist upon the terms of our act of Congress as the rule of discrimination, and show that in point of time it accords with an act of their own relating to seamen. I send herewith a transcript of a representation I made on the subject of British officers detaining deserters from our vessels, under pretence of

their being Englishmen, and extorting the payment of their wages : on this last subject a question is now depending in the court of admiralty ; the former remains without an answer from the lords commissioners of that department. Lord Grenville having said that he wished me to have some conversation with Mr. Bond, on account of his being particularly well acquainted with this subject, I told his lordship I had no objection to conversing with any person appointed by him on this subject. In a few days I received the enclosed note from Mr. Bond, to which I sent the answer annexed, in order to produce an explanation, whereby neither more nor less than the proper degree of importance might be attached to the conference. Mr. Bond came : He said he had no commission to treat on the subject ; we therefore agreed that it was to be considered altogether as an informal conversation. We discoursed at length upon the subject, but I do not find that we are nearer coming to a conclusion on the business than we were before. He appeared not to be prepared for the extent of the reciprocity which I contended should form the basis and pervade the whole of the transaction ; for when he urged the point of our seamen, or at least their captain in their behalf, being furnished with testimonials of their being Americans before they left our ports, I told him the inconveniences arising from this procedure would be equally felt by both nations ; for that we should expect their seamen to be furnished with similar testimonials when they came to our ports to those they expected our mariners would bring to theirs : he asked, in what instance it would become necessary, (alluding, I presume, to our not being in the habit of impressing ;) I answered, that unless we could come to some accommodation which might ensure our seamen against this oppression, measures would be taken to cause the inconvenience to be equally felt on both sides. I have not since seen Mr. Bond, but find he is ordered out to America with the title of consul general for the middle and southern states."

*Extract of a Note from Mr. Jay, Envoy Extraordinary and Minister Plenipotentiary of the United States at London, to Lord Grenville, Secretary of Foreign Affairs. London, July 30, 1794.*

"THE undersigned finds it also to be his duty to represent, that the irregularities before mentioned, extended not only to the capture and condemnation of American vessels and property, and to unusual personal severities, but even to the impressment of American citizens, to serve on board of armed vessels. He forbears to dwell on the injuries done to these unfortunate individuals, or on the emotions which they must naturally excite, either in the breasts of the nation to whom they belong, or of the just and humane of every country. His reliance on the justice and benevolence of his majesty leads him to indulge the pleasing expectation, that orders will be given, that Americans so circumstanced be immediately liberated, and that persons honoured with his majesty's commissions do in future abstain from similar violences.

"It is with cordial satisfaction that the undersigned reflects on the impressions which such equitable and conciliatory measures would make on the minds of the United States, and how naturally they would inspire and cherish those sentiments and dispositions which never fail to preserve as well as to produce respect, esteem, and friendship."

*Extract of a Note from Mr. King, Minister Plenipotentiary of the United States at London, to Lord Grenville. London, Great Cumberland Place, Nov. 30, 1796.*

"In your lordship's letter of the 21st of September, in answer to my application for the discharge of Maxwell, an American citizen, impressed and detained on board his majesty's ship Sandwich, the reason assigned against his discharge is, "that he is married and settled in Bristol;" and I understand that the orders of the lords commissioners of the admiralty for the discharge of American seamen usually contain a proviso, that the discharge is not to operate in favour of any person who has entered on board

of any of his majesty's ships, or who is married or settled within any of his majesty's dominions. Without admitting, or contesting, on this occasion, the rule of English law, that a subject cannot divest himself of his natural allegiance, I take the liberty to request your lordship's attention to the diversity of practice, so much to the disadvantage of the American citizens, that prevails in the application of this rule.

"If Great Britain requires the acquiescence of foreign nations in this law, so far as regards the requisition of her subjects married and settled abroad, or voluntarily engaged in foreign service, is she not bound to observe it in like manner herself, in respect to the subjects of foreign powers, under similar circumstances, in her service or within her dominions? If to the demand of a foreigner in her service by the nation to which he belongs, Great Britain answers, that such foreigner cannot be delivered, because he has voluntarily engaged to serve his majesty, or is married or settled within his majesty's dominions, is she not bound by her own principles to admit the validity of the same answer from such foreign nation, when she requires the surrender of British subjects found in a similar predicament in the service or within the territory of such foreign nation? Justice, which is always impartial, furnishes the proper answer to these questions.

"Admitting, then, that the voluntary contract of an American citizen to serve on board a British ship, or the marriage or settlement of such citizen within his majesty's dominions, is the foundation of a right in his majesty's government to refuse the requisition of the United States of America, that such citizen should be discharged from his majesty's service, do we not thereby establish a principle that at once condemns and puts an end to the practice of his majesty's naval officers, in entering American ships, in search of and for the purpose of impressing British seamen, since all seamen found on board such ships are there of choice and by voluntary contract to serve in the American employ?

"But if neither of these circumstances can be considered as justly giving a right to his majesty's government to refuse the discharge of American citizens, does it not result that the usual proviso connected with the

orders for the discharge of such citizens, and which is assigned as a reason against the discharge of John Maxwell, is without any just foundation, and consequently operates to the disadvantage and injury of the American citizens."

*Extract of a Letter from Rufus King, Esquire, to the Secretary of State. London, April 13, 1797.*

" SEAMEN.

"It was before my arrival that lord Grenville had expressed to Mr. Pinckney a dissatisfaction with the practice of granting protections to American seamen by our consuls.

"Before I received your opinion on this subject, lord Grenville had written me a letter, in which this branch of the consular power is denied, and notice given to us that the practice must be discontinued. A copy of this letter, and of mine transmitting it to our several consuls, I had the honour to send you with my letter of the 10th of December. Previous to the communication of this resolution of the British government, it had been notified to Mr. Pinckney, that all applications for the discharge of American seamen impressed into the British service, must in future come through the American minister, instead of coming from the American consuls, as had been customary. One consequence of this regulation has been, that the subject in all its details has come under my observation, and its importance, I confess, is much greater than I had supposed it. Instead of a few, and those in many instances equivocal cases, I have, since the month of July past, made application for the discharge from British men of war of 271 seamen, who, stating themselves to be Americans, have claimed my interference: Of this number 86 have been ordered by the admiralty to be discharged; 37 more have been detained as British subjects, or as American volunteers, or for want of proof that they are Americans; and to my applications for the discharge of the remaining 148, I have received no answer; the ships on board of which these seamen were detained having, in many in-

stances, sailed before an examination was made in consequence of my applications.

"It is certain that some of those who have applied to me are not American citizens, but the exceptions are, in my opinion, few, and the evidence, exclusive of certificates, has been such as, in most cases, to satisfy me, that the applicants were real Americans, who have been forced into the British service, and who, with singular constancy, have generally persevered in refusing pay and bounty, though in some instances they have been in service more than two years. As the applications for my aid seemed to increase, after the suspension of the consular power to grant protections (owing to the exposed situation of our seamen in consequence of the denial of this power,) I judged it advisable, though I saw little prospect of any permanent agreement, to attempt to obtain the consent of this government, that, under certain regulations, our consuls should again be authorized to grant certificates of citizenship to our seamen. My letter to lord Grenville and his answer you have enclosed.

"I likewise send you the copy of another letter, to which I have received no answer, that I wrote to lord Grenville in order to expose the inconsistency with the laws and principles of British allegiance of a rule by which acknowledged Americans are detained in the British service."

*Extract of a Letter from Rufus King, Esquire, Minister Plenipotentiary of the United States, to the Secretary of State. London, March 15, 1799.*

"IMPRESSING OF SEAMEN.

"I THEN mentioned our dissatisfaction with the continuation of the practice of taking out of our ships, met on the main ocean, such of their crews as did not possess certificates of American citizenship; denying, as I had often done in former conferences upon the same subject, any right on the part of Great Britain upon which the practice could be founded; and suggesting that our ships of war, by permission of our government, might with

equal right pursue the same practice towards their merchantmen.

“ That not only seamen who spoke the English language, and who were evidently English or American subjects, but also all Danish, Swedish, and other foreign seamen, who could not receive American protections, were indiscriminately taken from their voluntary service in our neutral employ and forced into the war in the naval service of Great Britain.

“ That on this subject we had again and again offered to concur in a convention, which we thought practicable to be formed, and which should settle these questions in a manner that would be safe for England, and satisfactory to us.

“ That to decline such convention, and to persist in a practice which we were persuaded could not be vindicated, especially to the extent to which it was carried, seemed less equitable and moderate than we thought we had a right to expect.

“ Lord Grenville stated no precise principle upon which he supposed this practice could be justified, and the conversation upon this point, like many others upon the same subject, ended without a prospect of satisfaction. The French and Spaniards, and every other nation, might pursue the same conduct as rightfully as Great Britain does. With respect to foreign seamen in our employ, this government has, if I recollect, yielded the point, though their officers continue the practice. We are assured that all Americans shall be discharged on application for that purpose, and that orders to this effect have been given to their naval commanders; but this is far short of satisfaction—indeed, to acquiesce in it, is to give up the right.”

*Extract of a Letter from Mr. King to the Secretary of State.  
London, February 25, 1801.*

“ THE progress which had been made in our negotiation with this government, was such as must have brought it to a speedy conclusion, had not a change taken place in the department of foreign affairs: that the result would, in the main, have been satisfactory, is more than I am

authorized to say, though I flattered myself with the hope that it would be so. Lord Hawkesbury assures me that he will give to the several subjects, which have been pretty fully discussed, an early and impartial consideration; and I am in hopes that lord St. Vincent will likewise be inclined to attend to our reiterated remonstrances against the impressment of our seamen, and the vexations of our trade."

*Extract of a Letter from Rufus King, Esq. to the Secretary of State. New York, July 1803.*

"SIR,—I take the liberty to add a few miscellaneous articles, by way of supplement to my last despatch.

" AMERICAN SEAMEN.

"As soon as the war appeared to me unavoidable, I thought it advisable to renew the attempt to form an arrangement with the British government for the protection of our seamen: with this view I had several conferences, both with lord Hawkesbury and Mr. Addington, who avowed a sincere disposition to do whatever might be in their power to prevent the dissatisfaction on this subject, that had so frequently manifested itself during the late war: with very candid professions, I however found several objections, in discussing the project with the first lord of the admiralty. Lord Hawkesbury having promised to sign any agreement upon the subject that I should conclude with lord St. Vincent, I endeavoured to qualify and remove the objections he offered to our project, and finally, the day before I left London, lord St. Vincent consented to the following regulations:

"1. No seaman nor seafaring person shall, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship or vessel belonging to the citizens or subjects of one of the parties, by the public or private armed ships or men of war belonging to or in the service of the other party: and strict orders shall be given for the due observance of this engagement.

" 2. Each party will prohibit its citizens or subjects from clandestinely concealing or carrying away from the territories or colonial possessions of the other, any seaman belonging to such other party.

" 3. These regulations shall be in force for five years, and no longer.

" On parting with his lordship, I engaged to draw up, in the form of a convention, and send him these articles in the course of the evening, who promised to forward them, with his approbation, to lord Hawkesbury: I accordingly prepared and sent the draft to his lordship, who sent me a letter in the course of the night, stating that on further reflection he was of opinion, that the narrow seas should be expressly excepted, they having been, as his lordship remarked, immemorially considered to be within the dominion of Great Britain; that with this correction he had sent the proposed convention to lord Hawkesbury, who, his lordship presumed, would not sign it before he should have consulted the judge of the high court of admiralty, sir William Scott.

" As I had supposed, from the tenour of my conferences with lord St. Vincent, that the doctrine of the *mare clausum* would not be revived against us on this occasion, but that England would be content with the limited jurisdiction or dominion over the seas adjacent to her territories, which is assigned by the law of nations to other states; I was not a little disappointed on receiving this communication; and after weighing well the nature of the principle and the disadvantages of its admission, I concluded to abandon the negotiation rather than to acquiesce in the doctrine it proposed to establish.

" I regret not to have been able to put this business on a satisfactory footing, knowing, as I do, its very great importance to both parties; but I flatter myself that I have not misjudged the interest of our own country, in refusing to sanction a principle that might be productive of more extensive evils than those it was our aim to prevent."

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. JULY 6, 1812.

I TRANSMIT to the House of Representatives a report from the Secretary of State of this date, complying with their resolution of the 30th of January last.

JAMES MADISON.

THE Secretary of State, in pursuance of a resolution of the House of Representatives of the 30th of January last, has the honour to report to the President of the United States, six several lists of captures, seizures and condemnations, of the ships and merchandise of the citizens of the United States, under the authority of the governments of Europe; to wit:

No. 1. British captures prior to the orders in council of November 11, 1807.

No. 2. British captures subsequent to the date of the orders in council of November 11, 1807.

No. 1. French captures, seizures and condemnations prior to the Berlin and Milan decrees.

No. 2. French captures, seizures and condemnations, during the existence of the decrees of Berlin and Milan.

No. 3. French seizures, captures, and condemnations since the revocation of the Berlin and Milan decrees.

No. 4. Captures, seizures, and condemnations under the authority of the government of Naples. And, in addition—

A statement Danish captures, condemnations, &c.

The documents from which these lists have been compiled, being of a miscellaneous nature, the detail is unavoidably imperfect. The sums stated as the amount of loss, are, in many cases, doubtful. The chief fact from which the *cause* of capture can be inferred, is the *date* of capture; which, on referring to the regulations, orders, or decrees, existing at the time, may serve to elucidate that point of the inquiry. The successive orders, decrees, &c.

of the belligerent powers, as they have come to the knowledge of this department, up to the year 1808, may be found in a report made to Congress, by the Secretary of State, on the 21st of December of that year. In that report the belligerent edicts bearing upon neutral commerce, and corresponding with the years on the lists now sent, are as follows :

*British.**French.*

- |   |                               |
|---|-------------------------------|
| 1803. June 24. Direct trade between neutrals and the colonies of enemies not to be interrupted, unless upon the outward voyage contraband supplies shall have been furnished by the neutrals. | 1803.                         |
| 1804. April 12. Instructions concerning blockades, communicated by Mr. Merry. Conversion of the seige of Curraoa into a blockade.   | 1804.                         |
| August 9. Blockade of Fecamp, &c.   |                               |
| 1805. August 17. Direct trade with enemies' colonies subjected to restrictions.   | 1805.                         |
| 1806. April 8. Blockade of the Ems, Weser, &c.  | 1806.                         |
| May 16. Blockade from the Elbe to Brest.  |                               |
| September 25. Discontinuance of the last blockade in part.  | 1806. Nov. 21. Berlin decree. |
| 1807. March 12. Interdiction of the trade from port to port of France.  | 1807. Dec. 17. Milan decree.  |
| June 26. Blockade of the Ems, &c.   |                               |
| October 16. Proclamation recalling seamen.  |                               |
| November 11. Three orders in council.   |                               |

*British.**French.*

November 25. Six orders in council.

1808. January 8. Blockade of Carthage, &c.

March 28. Act of parliament.

April 11. Orders encouraging our citizens to violate the embargo.

April 14. Act of parliament to prohibit the exportation of cotton wool, &c.

Act of parliament making valid certain orders in council.

May 4. Blockade of Copenhagen and the island of Zealand.

June 23. Act of parliament regulating trade between the United States and Great Britain.

October 14. Admiral Cochran's blockade of the French Leeward Islands.

1808. April 17. Bayonne decree.

To these may be added the British order in council of the 26th of April, 1809, prohibiting altogether all trade with France and Holland, and the ports of Italy comprehended under the denomination of the kingdom of Italy; the blockade of the ports of Spain from Gijon to the French territory of the 20th February, 1810, which was partially relaxed on the 14th of May, 1810; the blockade of Venice, instituted on the 27th of July, 1806, and which was declared to be still in force on the 26th of March, 1810; the blockade of the canal of Corfu of the 18th of Aug. 1810, which, in effect, was an attempt to blockade the whole Adriatick sea; together with certain other regulations, principally touching the trade on the Baltick.

To the French edicts may be added the decree of Rambouillet of the 23d of March, 1810.

The seizures and condemnations under the authority of

the government of Naples, were principally in consequence of a special decree of the sovereign of that state.

In making up the lists, reference has been had to the dates of the orders in council of Nov. 1807, and the French edicts of Berlin and Milan, chiefly because their promulgation formed a new epoch in the history of commercial spoliations. Under this division these lists will exhibit the following results.

BRITISH.	VESSELS.
Captures, &c. prior to the orders in council of Nov. 1807.	528
Captures, &c. subsequent to those orders	389
	<hr/>
	Total 917

FRENCH.	VESSELS.
Captures, &c. prior to the Berlin and Milan decrees	206
Captures during the existence of those decrees	307
Captures since the revocation of those decrees	45
	<hr/>
	Total 558

The number of captures by the Neapolitans amounts to 47. The statement relative to Danish captures will best explain itself.

With respect to the question proposed by the resolution in obedience to which this report is made, "How far the decrees, orders, or regulations, under which the captures have been made, are abandoned or persevered in by the nation making such captures," it may be remarked, that the Berlin and Milan decrees were revoked, as far as they affected the neutral commerce of the United States, according to an official declaration of the French government made at Paris on the 5th of August, 1810, to the American minister then resident there; and that this revocation in the same latitude, has been since corroborated by acts and declarations of the French government communicated to the minister of the United States who now resides at Paris. The decrees of Bayonne and of Rambouillet, as well as that of the sovereign of Naples, being

*special*, ceased with the accomplishment of the particular object of their promulgation.

On the part of Great Britain, it is officially known to the Secretary of State, that up to the period of declaring war against that power by Congress, the orders in council were rigidly enforced against American neutral trade; captures and condemnations were incessantly occurring; and with respect to any edict of a date anterior to those orders in council, it is impossible distinctly to specify whether it has been abandoned or not; for so late as the 26th March, 1810, the British secretary of state for foreign affairs officially refused to allow the American minister in London to *infer* that the blockade of May, 1806, had become extinct by the operation of the orders in council. On the contrary, he expressly stated that that blockade was comprehended under the more extensive restrictions of a subsequent order: Hence it may be inferred, that the orders in council of November, 1807, and of April, 1809, which were a more general extension of unlawful principles previously acted upon in a limited degree, although they comprehended yet did not extinguish, particular blockades or orders antecedently proclaimed; thus leaving it uncertain whether, in the event of the revocation of the orders in council themselves, any or what obnoxious edicts would or would not be insisted on or relinquished.

In relation to Spain, the department of state is not in possession of information sufficient to authorize a report of captures, &c. during the present war, by that power.

All which is respectfully submitted.

JAMES MONROE.

Department of State, July 6, 1812.

**MESSAGE**

**FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. JULY 1, 1812.\***

In compliance with the resolution of the House of Representatives of the twenty-sixth of June, I transmit the information contained in the documents herewith enclosed.

**JAMES MADISON.**

*From the Secretary of State to General George Matthews,  
and Colonel John McKee. Department of State, January  
26, 1811.*

THE President of the United States having appointed you jointly and severally commissioners for carrying into effect certain provisions of an act of Congress, (a copy of which is enclosed) relative to the portion of the Floridas situated to the east of the river Perdido, you will repair to that quarter with all possible expedition, concealing from general observation the trust committed to you, with that discretion which the delicacy and importance of the undertaking require.

Should you find governour Folk, or the local authority existing there, inclined to surrender in an amicable manner the possession of the remaining portion or portions of West Florida now held by him in the name of the Spanish monarchy, you are to accept, in behalf of the United States, the abdication of his, or of the other existing authority, and the jurisdiction of the country over which it extends. And should a stipulation be insisted on for the re-delivery of the country, at a future period, you may engage for such re-delivery to the lawful sovereign.

The debts clearly due from the Spanish government to the people of the territory surrendered may, if insisted on, be assumed within reasonable limits, and under specified descriptions, to be settled hereafter as a claim against Spain in an adjustment of our affairs with her. You

\* [This message was confidential ; and the injunction of secrecy not removed till July 6.]

may also guaranty, in the name of the United States, the confirmation of all such titles to land as are clearly sanctioned by Spanish laws : and Spanish civil functionaries, where no special reasons may require changes, are to be permitted to remain in office with the assurance of a continuation of the prevailing laws, with such alterations only as may be necessarily required in the new situation of the country.

If it should be required, and be found necessary, you may agree to advance as above a reasonable sum for the transportation of the Spanish troops.

These directions are adapted to one of the contingencies specified in the act of Congress, namely, the amicable surrender of the possession of the territory by the local ruling authority. But should the arrangement, contemplated by the statute, not be made, and should there be room to entertain a suspicion of an existing design in any foreign power to occupy the country in question, you are to keep yourselves on the alert, and on the first undoubted manifestation of the approach of a force for that purpose, you will exercise with promptness and vigour the powers with which you are invested by the President to preoccupy by force the territory, to the entire exclusion of any armament that may be advancing to take the possession of it. In this event, you will exercise a sound discretion in applying the powers given with respect to debts, titles to land, civil officers, and the continuation of the Spanish laws ; taking care to commit the government on no point further than may be necessary. And should any Spanish military force remain within the country, after the occupancy by the troops of the United States, you may, in such case, aid in their removal from the same.

The universal toleration which the laws of the United States assure to every religious persuasion, will not escape you as an argument for quieting the minds of uninformed individuals, who may entertain fears on that head.

The conduct you are to pursue in regard to East Florida, must be regulated by the dictates of your own judgments, on a close view and accurate knowledge of the precise state of things there, and of the real disposition of the Spanish government, always recurring to the present instruction as the paramount rule of your proceedings.

Should you discover an inclination in the governour of East Florida, or in the existing local authority, amicably to surrender that province into the possession of the United States, you are to accept it on the same terms that are prescribed by these instructions in relation to West Florida. And in case of the actual appearance of any attempt to take possession by a foreign power, you will pursue the same effective measures for the occupation of the territory; and for the exclusion of the foreign force, as you are directed to pursue with respect to the country east of the Perdido, forming, at this time, the extent of governour Folk's jurisdiction.

If you should, under these instructions, obtain possession of Mobile, you will lose no time in informing governour Claiborne thereof, with a request that he will, without delay, take the necessary steps for the occupation of the same.

All ordnance and military stores that may be found in the territory, must be held as the property of the Spanish government, to be accounted for hereafter to the proper authority; and you will not fail to transmit an inventory thereof to this department.

If in the execution of any part of these instructions, you should need the aid of a military force, the same will be afforded you upon your application to the commanding officer of the troops of the United States on that station, or to the commanding officer of the nearest post, in virtue of orders which have been issued from the war department. And in case you should moreover need naval assistance, you will receive the same upon your application to the naval commander, in pursuance of orders from the navy department.

From the treasury department will be issued the necessary instructions in relation to imposts and duties, and to the slave ships whose arrival is apprehended.

The President, relying upon your discretion, authorizes you to draw upon the collectors of Orleans and Savannah for such sums as may be necessary to defray unavoidable expenses that may be incurred in the execution of these instructions, not exceeding in your drafts on New Orleans eight thousand dollars, and in your drafts on Savannah two thousand dollars, without further authority, of which

expenses you will hereafter exhibit a detailed account duly supported by satisfactory vouchers.

P. S. If governour Folk should unexpectedly require, and pertinaciously insist that the stipulation for the redelivery of the territory should also include that portion of the country which is situated west of the river Perdido, you are, in yielding to such demand, only to use general words that may by implication comprehend that portion of country ; but at the same time you are expressly to provide, that such stipulation shall not in any way impair or affect the right or title of the United States to the same.

*The Secretary of State to General Matthews. Department of State, April 4, 1812.*

SIR,—I have had the honour to receive your letter of the 14th March, and have now to communicate to you the sentiments of the President on the very interesting subject to which it relates.

I am sorry to have to state that the measures which you appear to have adopted for obtaining possession of Amelia island and other parts of East Florida, are not authorized by the law of the United States, or the instructions founded on it, under which you have acted.

You were authorized by the law, a copy of which was communicated to you, and by your instructions, which are strictly conformable to it, to take possession of East Florida, only in case one of the following contingencies should happen : either that the governour, or other existing local authority should be disposed to place it amicably in the hands of the United States, or that an attempt should be made to take possession of it by a foreign power. Should the first contingency happen, it would follow that the arrangement being amicable, would require no force on the part of the United States to carry it into effect. It was only in case of an attempt to take it by a foreign power that force could be necessary, in which event only were you authorized to avail yourself of it.

In neither of these contingencies was it the policy of the law, or purpose of the Executive, to wrest the province forcibly from Spain, but only to occupy it with a view to

prevent its falling into the hands of any foreign power, and to hold that pledge under the existing peculiarity of the circumstances of the Spanish monarchy, for a just result in an amicable negotiation with Spain.

Had the United States been disposed to proceed otherwise, that intention would have been manifested by a change of the law, and suitable measures to carry it into effect. And as it was in their power to take possession whenever they might think that circumstances authorized and required it, it would be the more to be regretted, if possession should be effected by any means irregular in themselves, and subjecting the government of the United States to unmerited censure.

The views of the Executive respecting East Florida, are further illustrated by your instructions as to West Florida. Although the United States have thought, that they had a good title to the latter province, they did not take possession until after the Spanish authority had been subverted by a revolutionary proceeding, and the contingency of the country being thrown into foreign hands had forced itself into view. Nor did they then, nor have they since dispossessed the Spanish troops of the post which they occupied. If they did not think proper to take possession by force, of a province to which they thought they were justly entitled, it could not be presumed that they should intend to act differently in respect to one to which they had not such a claim.

I may add, that although due sensibility has been always felt for the injuries which were received from the Spanish government in the last war, the present situation of Spain has been a motive for a moderate and pacifick policy towards her.

In communicating to you these sentiments of the Executive on the measures you have lately adopted for taking possession of East Florida, I add with pleasure that the utmost confidence is reposed in your integrity and zeal to promote the welfare of your country. To that zeal the error into which you have fallen, is imputed. But in consideration of the part which you have taken, which differs so essentially from that contemplated and authorized by the government, and contradicts so entirely the principles on which it has uniformly and sincerely acted, you will be

sensible of the necessity of discontinuing the service in which you have been employed.

You will, therefore, consider your powers as revoked on the receipt of this letter. The new duties to be performed will be transferred to the governour of Georgia, to whom instructions will be given on all the circumstances to which it may be proper, at the present juncture, to call his attention.

I have the honour to be, &c.

JAMES MONROE.

Gen. Matthews, &c.

*The Secretary of State to His Excellency D. B. Mitchell,  
the Governour of Georgia. Department of State, April  
10, 1812.*

SIR,—The President is desirous of availing the publick of your services, in a concern of much delicacy and of high importance to the United States. Circumstances with which you are in some degree acquainted, but which will be fully explained by the enclosed papers, have made it necessary to revoke the powers heretofore committed to general Matthews, and to commit them to you. The President is persuaded that you will not hesitate to undertake a trust so important to the nation, and peculiarly to the state of Georgia. He is the more confident in this belief, from the consideration that these new duties may be discharged without interfering, as he presumes, with those of the station which you now hold.

By the act of the 15th of January, 1811, you will observe that it was not contemplated to take possession of East Florida, or of any part thereof, unless it should be surrendered to the United States amicably by the governour, or other local authority of the province, or against an attempt to take possession of it by a foreign power: and you will also see that general Matthews' instructions, of which a copy is likewise enclosed, correspond fully with the law.

By the documents in possession of the government it appears that neither of these contingencies have happened, that instead of an amicable surrender by the gover-

nour, or other local authority, the troops of the United States have been used to dispossess the Spanish authority by force. I forbear to dwell on the details of this transaction, because it is painful to recite them. By the letter to general Matthews, which is enclosed opened for your perusal, you will fully comprehend the views of the government respecting the late transaction, and by the law, the former instructions to the general, and the late letter now forwarded, you will be made acquainted with the course of conduct which it is expected of you to pursue in future, in discharging the duties heretofore enjoined on him.

It is the desire of the President that you should turn your attention and direct your efforts, in the first instance, to the restoration of that state of things in the province which existed before the late transactions. The Executive considers it proper to restore back to the Spanish authorities Amelia Island, and such other parts, if any, of East Florida as may have thus been taken from them. With this view it will be necessary for you to communicate directly with the governor or principal officer of Spain in that province, and to act in harmony with him in the attainment of it. It is presumed that the arrangement will be easily and amicably made between you. I enclose you an order from the Secretary at War to the commander of the troops of the United States to evacuate the country, when requested so to do by you, and to pay the same respect in future to your order in fulfilling the duties enjoined by the law, that he had been instructed to do to that of general Matthews.

In restoring to the Spanish authorities Amelia Island and such other parts of East Florida as may have been taken possession of in the name of the United States, there is another object to which your particular attention will be due. In the measures lately adopted by general Matthews to take possession of that territory, it is probable that much reliance has been placed by the people who acted in it on the countenance and support of the United States. It will be improper to expose these people to the resentment of the Spanish authorities. It is not to be presumed that those authorities, in regaining

possession of the territory, in this amicable mode from the United States, will be disposed to indulge any such feeling toward them. You will however come to a full understanding with the Spanish governour on this subject, and not fail to obtain from him the most explicit and satisfactory assurance respecting it. Of this assurance you will duly apprize the parties interested, and of the confidence which you repose in it. It is hoped that on this delicate and very interesting point, the Spanish governour will avail himself of the opportunity it presents to evince the friendly disposition of his government towards the United States.

There is one other remaining circumstance only to which I wish to call your attention, and that relates to general Matthews himself. His gallant and meritorious services in our revolution, and patriotick conduct since, have always been held in high estimation by the government. His errors in this instance are imputed altogether to his zeal to promote the welfare of his country; but they are of a nature to impose on the government the necessity of the measures now taken, in giving effect to which you will doubtless feel a disposition to consult, as far as may be, his personal sensibility.

I have the honour to be, &c.

JAMES MONROE.

P. S. Should you find it impracticable to execute the duties designated above in person, the President requests that you will be so good as to employ some very respectable character to represent you in it, to whom you are authorized to allow a similar compensation. It is hoped however that you may be able to attend to it in person, for reasons which I need not enter into. The expenses to which you may be exposed will be promptly paid to your draft on this department.

*The Secretary of State to D. B. Mitchell, Esq. Governour of Georgia. Department of State, May 27, 1812.*

SIR,—I have had the honour to receive your letter of the 2d inst. from St. Mary's, where you had arrived in discharge of the trust reposed in you by the President, in relation to East Florida.

My letter by Mr. Isaacs has, I presume, substantially answered the most important of the queries submitted in your letter, but I will give to each a more distinct answer.

By the law, of which a copy was forwarded to you, it is made the duty of the President to prevent the occupation of East Florida by any foreign power. It follows that you are authorized to consider the entrance, or attempt to enter, especially under existing circumstances, of British troops of any description, as the case contemplated by the law, and to use the proper means to defeat it.

An instruction will be immediately forwarded to the commander of the naval force of the United States, in the neighbourhood of East Florida, to give you any assistance, in case of emergency, which you may think necessary, and require.

It is not expected, if you find it proper to withdraw the troops, that you should interfere to compel the patriots to surrender the country, or any part of it, to the Spanish authorities. The United States are responsible for their own conduct only, not for that of the inhabitants of East Florida. Indeed, in consequence of the commitment of the United States to the inhabitants, you have been already instructed not to withdraw the troops, unless you find that it may be done consistently with their safety, and to report to the government the result of your conferences with the Spanish authorities, with your opinion of their views, holding in the mean time the ground occupied.

In the present state of our affairs with Great Britain, the course above pointed out is the more justifiable and proper.

I have the honour, &c.

JAMES MONROE.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO BOTH  
HOUSES OF CONGRESS. NOV. 4, 1812.

Fellow citizens of the Senate,  
and of the House of Representatives,

On our present meeting, it is my first duty to invite your attention to the providential favours which our country has experienced in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labours bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favourable to the national prosperity, there is just occasion, also, for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incident to the state of war into which the United States have been forced, by the perseverance of a foreign power in its system of injustice and aggression.

Previous to its declaration it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan territory, with a general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain co-operating relations with such forces as might be most conveniently employed against other parts. Brigadier general Hull was charged with this provisional service; having under his command a body of troops composed of regulars, and of volunteers from the state of Ohio. Having reached his destination after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighbouring territory of the enemy, with a prospect of easy and victorious progress. The expedition nevertheless terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of

the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace and promoted civilization among that wretched portion of the human race, and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture which are known to spare neither age nor sex. In this outrage against the laws of honourable war, and against the feelings sacred to humanity, the British commanders cannot resort to a plea of retaliation; for it is committed in the face of our example. They cannot mitigate it by calling it a self-defence against men in arms; for it embraces the most shocking butcheries of defenceless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated; since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation, boasting its religion and morality, have not been restrained from presenting to an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proofs, that the national spirit rises according to the pressure on it. The loss of an important post, and of the brave men surrendered with it, inspired every where new ardour and determination. In the states and districts least remote, it was no sooner known, than every citizen was ready to fly with his arms, at once to protect his brethren against the blood-thirsty savages let loose by the enemy on an extensive frontier; and to convert a partial calamity into a source of invigorated efforts. This patriotick zeal, which it was necessary rather to limit than excite, has embodied an ample force from the states of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of brigadier general Harrison, who possesses the entire

confidence of his fellow soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations, than by their personal merits. The greater portion of this force is proceeding on its destination, towards the Michigan territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the suberviency into which they had been seduced by the enemy; a seduction the more cruel, as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces under the command of major general Van Rensselaer of the militia of the state of New York. The attack, it appears, was ordered in compliance with the ardour of the troops, who executed it with distinguished gallantry, and were for a time victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable and is deeply to be lamented. That of the enemy, less ascertained, will be the more felt, as it includes among the killed the commanding general, who was also the governor of the province; and was sustained by veteran troops, from unexperienced soldiers, who must daily improve in the duties of the field.

Our expectation of gaining the command of the lakes, by the invasion of Canada from Detroit, having been disappointed, measures were instantly taken to provide on them a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object, every thing that can be done may be expected. Should the present season not admit of complete success, the progress made will ensure for the next a naval ascendancy, where it is essential to our permanent peace with, and control over the savages.

Among the incidents to the measures of the war, I am constrained to advert to the refusal of the governors of Massachusetts and Connecticut, to furnish the required detachments of militia towards the defence of the maritime frontier. The refusal was founded on a novel and

unfortunate exposition of the provisions of the constitution relating to the militia. The correspondences which will be before you, contain the requisite information on the subject. It is obvious that if the authority of the United States to call into service and command the militia for the publick defence, can be thus frustrated, even in a state of declared war, and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it; and that the publick safety may have no other resource, than in those large and permanent military establishments which are forbidden by the principles of our free government, and against the necessity of which the militia were meant to be a constitutional bulwark.

On the coasts, and on the ocean, the war has been as successful as circumstances inseparable from its early stages could promise. Our publick ships and private cruisers, by their activity, and, where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures, and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports; having been much favoured in it by the course pursued by a squadron of our frigates, under the command of commodore Rodgers. And in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an auspicious triumph. The frigate Constitution, commanded by captain Hull, after a close and short engagement, completely disabled and captured a British frigate; gaining for that officer and all on board a praise which cannot be too liberally bestowed; not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents, which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time, after it was declared, in conveying to the British government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification. And our charge d'affaires at London was, at the same time, authorized to

agree to an armistice founded upon them. These terms required that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules; and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other, should be stipulated; and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies. Although a repeal of the orders susceptible of explanations meeting the views of this government, had taken place before this pacifick advance was communicated to that of Great Britain, the advance was declined; from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any intimation that the arrangement proposed with respect to seamen would be accepted. Whether the subsequent communications from this government, affording an occasion for re-considering the subject, on the part of Great Britain, will be viewed in a more favourable light, or received in a more accommodating spirit, remains to be known. It would be unwise to relax our measures, in any respect, on a presumption of such a result.

The documents from the department of state, which relate to this subject, will give a view also of the propositions for an armistice, which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British government itself, through admiral Warren; and of the grounds on which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorized expectations of an early as well as favourable issue to the discussions on foot, these have been procrastinated to the latest date. The only interyening occurrence meriting attention, is the promulgation of a French decree, purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British orders in council, is rendered, by the time and manner of it, liable to many objections.

The final communications from our special minister to Denmark, afford further proofs of the good effects of his mission, and of the amicable disposition of the Danish government. From Russia we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favourable to the subsisting harmony.

With the Barbary powers, excepting that of Algiers, our affairs remain on the ordinary footing. The consul general, residing with that regency, has suddenly and without cause been banished, together with all the American citizens found there. Whether this was the transitory effect of capricious despotism, or the first act of predetermined hostility, is not ascertained. Precautions were taken by the consul, on the latter supposition.

The Indian tribes, not under foreign instigations, remain at peace, and receive the civilizing attentions, which have proved so beneficial to them.

With a view to that vigorous prosecution of the war, to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the military establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied, during the campaign, by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing, more favourably for the private soldier, the proportion between his recompense and the term of his enlistment. And it is a subject which cannot too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last session. The recompense for the service required in this case, is still less attractive than in the other. And although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford

the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration also, whether, as auxiliary to the security of our frontiers, corps may not be advantageously organized, with a restriction of their services to particular districts convenient to them. And whether the local and occasional services of mariners and others in the sea-port towns, under a similar organization, would not be a provident addition to the means of their defence.

I recommend a provision for an increase of the general officers of the army, the deficiency of which has been illustrated by the number and distance of separate commands, which the course of the war and the advantage of the service have required.

And I cannot press too strongly on the earliest attention of the legislature the importance of the reorganization of the staff establishment, with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success, in what appertains to the army and the war, is equally inculcated by the examples of other countries and by the experience of our own.

A revision of the militia laws for the purpose of rendering them more systematick, and better adapting them to emergencies of the war, is at this time particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail ; a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for ship building, the greater part has been applied to that object, and the purchase will be continued with the balance.

The enterprising spirit which has characterized our naval force, and its success both in restraining insults and depredations on our coasts, and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe that the act prohibiting the acceptance of British licenses, is not a sufficient guard against the use of them for purposes favourable to the interests and views of the enemy ; further provisions on

that subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason, nor yet embraced by any statutory provisions.

A considerable number of American vessels, which were in England when the revocation of the orders in council took place, were laden with British manufactures, under an erroneous impression that the non-importation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise, on unforeseen cases of such magnitude, the ordinary powers vested in the treasury department to mitigate forfeitures, without previously affording to Congress an opportunity of making on the subject such provision as they may think proper. In their decision they will doubtless equally consult what is due to equitable considerations and to the publick interest.

The receipts into the treasury, during the year ending on the 30th of September last, have exceeded sixteen millions and a half of dollars; which have been sufficient to defray all the demands on the treasury to that day, including a necessary reimbursement of near three millions of the principal of the publick debt. In these receipts is included a sum of near five millions eight hundred and fifty thousand dollars, received on account of the loans authorized by the acts of the last session: the whole sum actually obtained on loan amounts to eleven millions of dollars, the residue of which being receivable subsequent to the 30th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of British manufactures, will render the revenue of the ensuing year more productive than could have been anticipated. The situation of our country, fellow citizens, is not without its difficulties, though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation, we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are, nevertheless, equal to the support of all its rights, and to carry

it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged, is a war neither of ambition nor of vain glory ; that it is waged, not in violation of the rights of others, but in the maintenance of our own ; that it was preceded by a patience without example, under wrongs accumulating without end ; and that it was finally not declared until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands clinging to former councils ; and until declarations were reiterated to the last hour, through the British envoy here, that the hostile edicts against our commercial rights and our maritime independence, would not be revoked ; nay, that they could not be revoked without violating the obligations of Great Britain to other powers, as well as to her own interests. To have shrunk, under such circumstances, from manly resistance, would have been a degradation blasting our best and proudest hopes : It would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged that on the element which forms three fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals. It was at this moment, and with such an alternative, that war was chosen. The nation felt the necessity of it and called for it. The appeal was accordingly made, in a just cause, to the just and All-powerful Being who holds in his hand the chain of events and the destiny of nations. It remains only, that faithful to ourselves, entangled in no connexions with the views of other powers, and ever ready to accept peace from the hand of justice, we prosecute the war with united councils, and with the ample faculties of the nation, until peace be so obtained, and as the only means, under the divine blessing, of speedily obtaining it.

JAMES MADISON.

## DOCUMENTS

ACCOMPANYING THE MESSAGE OF THE PRESIDENT OF THE  
UNITED STATES TO CONGRESS. NOV. 4, 1812.

*Extract of a Letter from Mr. Monroe to Mr. Russell. June  
26, 1812.*

"THIS letter is committed to Mr. Foster, who has promised to deliver it to you in safety.

On the 18th of this month a declaration of war against Great Britain passed Congress. I send you a copy of the act, of the President's message, and of the report of the committee of foreign relations, which brought the subject under consideration.

This measure has been produced by the continued aggressions of the British government on the rights of the United States, and the presumption arising from that and other facts, which it is unnecessary to recite, that no favourable change of policy might be expected from it. It was impossible for the United States to surrender their rights, by relinquishing the ground which they had taken, and it was equally incompatible with their interests and character to rely longer on measures which had failed to accomplish their objects. War was the only remaining alternative, and that fact being clearly ascertained, you will find by the documents transmitted, that it was adopted with decision.

As war has been resorted to by necessity, and of course with reluctance, this government looks forward to the restoration of peace, with much interest, and a sincere desire to promote it on conditions just, equal and honourable to both the parties. It is in the power of Great Britain to terminate the war on such conditions, and it would be very satisfactory to the President to meet it, in arrangements to that effect.

Although there are many just and weighty causes of complaint against Great Britain, you will perceive, by the documents transmitted, that the orders in council, and other blockades, illegal, according to the principles lately acknowledged, and the impressment of our seamen, are

considered to be of the highest importance. If the orders in council are repealed, and no illegal blockades are substituted to them, and orders are given to discontinue the impressment of seamen from our vessels, and to restore those already impressed, there is no reason why hostilities should not immediately cease. Securing these objects, you are authorized to stipulate an armistice, to commence from the signature of the instrument providing for it, or at the end of fifty or sixty days, or other the shortest term that the British government will assent to. Definitive arrangements will be made on these, and every other difference, by a treaty, to be concluded either here or at London, though it is much desired that the subject should be entered on in this city.

As an inducement to the British government to discontinue the practice of impressment from our vessels, you may give assurance that a law will be passed (to be reciprocal) to prohibit the employment of British seamen in the public or commercial service of the United States. There can be no doubt that such an arrangement would prove much more efficacious, in securing to Great Britain her seamen, than the practice to which it is proposed to be a substitute, independent of all the other objections to it.

Indemnity for injuries received, under the orders in council, and other edicts violating our rights, seems to be incident to their repeal; but the President is willing that the consideration of that claim should not be pressed at this time, so as to interfere with the preliminary arrangement alluded to. It will be proper to bring it into view merely to show that it is expected that provision will be made for it in the treaty which is to follow. Every other interest may also be provided for at the same time.

It is hoped that the British government will find it consistent with its interest and honour, to terminate the war by an armistice in the manner, and on the conditions proposed. In so doing, it will abandon no right, it will sacrifice no interest; it will abstain only from violating our rights, and, in return, it will restore peace with the power from whom, in a friendly commercial intercourse, so many advantages will be derived, not to mention the injuries which cannot fail to result from a prosecution of the war."

*Mr. Monroe to Mr. Russell. Department of State, July 27, 1812.*

Sir,—I wrote you on the 26th of June, by Mr. Foster, a letter, which he promised to deliver to you in person or by a safe hand.

In that letter you were informed that the orders in council, and other illegal blockades, and the impressment of our seamen by Great Britain, as you well knew before, were the principal causes of the war, and that if they were removed, you might stipulate an armistice, leaving them and all other grounds of difference for final and more precise adjustment by treaty. As an inducement to the British government to discontinue the practice of impressment from our vessels, by which alone our seamen can be made secure, you were authorized to stipulate a prohibition by law, to be reciprocal, of the employment of British seamen in the public or commercial service of the United States. As such an arrangement, which might be made completely effectual and satisfactory by suitable regulations and penalties, would operate almost exclusively in favour of Great Britain; for as few of our seamen ever enter voluntarily into the British service, the reciprocity would be nominal; its advantage to Great Britain would be more than an equivalent for any she derives from impressment, which alone ought to induce her to abandon the practice, if she had no other motive for it. A stipulation to prohibit by law the employment of British seamen in the service of the United States, is to be understood in the sense and spirit of our constitution. The passage of such a law must depend of course on Congress, who it might reasonably be presumed would give effect to it.

By authorizing you to secure these objects as the grounds of an armistice, it was not intended to restrict you to any precise form in which it should be done. It is not particularly necessary that the several points should be specially provided for in the convention stipulating the armistice. A clear and distinct understanding with the British government on the subject of impressment, comprising in it the discharge of the men already impressed, and on future blockades, if the orders in council are revoked, is all that is indispensable. The orders in council being revoked,

and the proposed understanding on the other points, that is, on blockades and impressment, being first obtained, in a manner, though informal, to admit of no mistake or disagreement hereafter, the instrument providing for the armistice may assume a general form, especially if more agreeable to the British government. It may for example be said in general terms, "that both powers being sincerely desirous to terminate the differences which unhappily subsist between them, and equally so, that full time should be given for the adjustment thereof, agree, 1st. That an armistice shall take place for that purpose, to commence on the day of

"2d. That they will forthwith appoint on each side commissioners with full power to form a treaty, which shall provide, by reciprocal arrangements, for the security of their seamen from being taken or employed in the service of the other power, for the regulation of their commerce, and all other interesting questions now depending between them.

"3d. The armistice shall not cease without a previous notice by one to the other party of days, and shall not be understood as having other effect than merely to suspend military operations by land and by sea."

By this you will perceive that the President is desirous of removing every obstacle to an accommodation, which consists merely of form. Securing in a safe and satisfactory manner the rights and interests of the United States in these two great and essential circumstances, as it is presumed may be accomplished by the proposed understanding, he is willing that it be done in a manner the most satisfactory and honourable to Great Britain, as well as to the United States.

I have the honour to be, &c.

JAMES MONROE.

*Mr. Graham to Mr. Russell. Department of State, August 9, 1812.*

SIR,—The Secretary left this city about ten days ago on a short visit to Virginia. Since that period, Mr. Baker has, in consequence of some despatches from his govern-

ment addressed to Mr. Foster, made to me a communication respecting the intentions of his government as regards the orders in council. It was of a character, however, so entirely informal and confidential that Mr. Baker did not feel himself at liberty to make it in the form of a note verbal or pro memoria, or even to permit me to take a memorandum of it at the time he made it. As it authorizes an expectation that something more precise and definite in an official form may soon be received by this government, it is the less necessary that I should go into an explanation of the views of the President in relation to it, more particularly as the Secretary of State is daily expected, and will be able to do it in a manner more satisfactory.

I refer you to the enclosed papers for information as to the maritime and military movements incident to the war, and will add, that the President is anxious to know, as soon as possible, the result of the proposals you were authorized to make to the British government, respecting an armistice. He considers them so fair and reasonable, that he cannot but hope that they will be acceded to, and thus be the means of hastening an honourable and permanent peace.

I have the honour, &c.

JOHN GRAHAM.

*Mr. Graham to Mr. Russell. Department of State, August 10, 1812.*

SIR,—Thinking that it may possibly be useful to you, I do myself the honour to enclose a memorandum of the conversation between Mr. Baker and myself alluded to in my letter of yesterday's date. From a conversation with Mr. Baker since this memorandum was made, I find that I was correct in representing to the President that the intimation from Mr. Foster and the British authorities at Halifax was to be understood as connected with a suspension of hostilities on the frontiers of Canada.

I have the honour, &c.

JOHN GRAHAM.

*(Memorandum referred to in the above Letter.)*

MR. BAKER verbally communicated to me for the information of the President, that he had received despatches from his government addressed to Mr. Foster, dated, I believe, about the 17th June, from which he was authorized to say, that an official declaration would be sent to this country, that the orders in council, so far as they affected the United States, would be repealed on the 1st August, to be revived on the 1st May, 1813, unless the conduct of the French government, and the result of the communications with the American government, should be such as in the opinion of his majesty to render their revival unnecessary. Mr. Baker moreover stated, that the orders would be revived, provided the American government did not, within fourteen days after they received the official declaration of their repeal, admit British armed vessels into their ports, and put an end to the restrictive measures which had grown out of the orders in council.

The despatches authorizing this communication to the American government expressly directed that it should be made verbally, and Mr. Baker did not consider himself at liberty to reduce it to writing, even in the form of a note verbal, or pro memoria, or to suffer me to take a memorandum of his communication at the time he made it. I understood from him, that the despatches had been opened by Mr. Foster, at Halifax, who, in consequence of a conversation he had had with vice admiral Sawyer and sir John Sherbrooke, had authorized Mr. Baker to say that these gentlemen would agree, as a measure leading to a suspension of hostilities, that all captures made after a day to be fixed, should not be proceeded against immediately, but be detained to await the future decision of the two governments. Mr. Foster had not seen sir George Prevost, but had written to him by express, and did not doubt but that he would agree to an arrangement for the temporary suspension of hostilities. Mr. Baker also stated that he had received an authority from Mr. Foster to act as charge des affaires, provided the American government would receive him in that character for the purpose of enabling him officially to communicate the declaration which was to be expected from the British government.

His functions to be understood of course as ceasing on the renewal of hostilities.

I replied, that although to so general and informal a communication, no answer might be necessary, and certainly no particular answer expected, yet, I was authorized to say, that the communication is received with sincere satisfaction, as it is hoped that the spirit in which it was authorized by his government may lead to such further communications as will open the way, not only for an early and satisfactory termination of existing hostilities, but to that entire adjustment of all the differences which produced them, and to that permanent peace and solid friendship which ought to be mutually desired by both countries, and which is sincerely desired by this. With this desire, an authority was given to Mr. Russell on the subject of an armistice as introductory to a final pacification, as has been made known to Mr. Foster, and the same desire will be felt on the receipt of the farther and more particular communications which are shortly to be expected, with respect to the joint intimation from Mr. Foster and the British authorities at Halifax on the subject of suspending judicial proceedings in the case of maritime captures, to be accompanied by a suspension of military operations. The authority given to Mr. Russell just alluded to, and of which Mr. Foster was the bearer, is full proof of the solicitude of the government of the United States to bring about a general suspension of hostilities on admissible terms, with as little delay as possible. It was not to be doubted, therefore, that any other practicable expedient for attaining a similar result would readily be concurred in. Upon the most favourable consideration, however, which could be given to the expedient suggested through him, it did not appear to be reducible to any practical shape to which the Executive would be authorized to give it the necessary sanction; nor indeed is it probable that if it was less liable to insuperable difficulties, that it could have any material effect previous to the result of the pacifick advance made by this government, and which must, if favourably received, become operative as soon as any other arrangement that could now be made. It was stated to Mr. Baker that the President did not, under existing circumstances, consider Mr. Foster as vested with

the power of appointing a charge des affaires ; but that no difficulty in point of form would be made, as any authentick communication through him, or any other channel, would be received with attention and respect.

*Extract of a Letter from the Secretary of State to Mr. Russell. Department of State, August 21, 1812.*

“ My last letter to you was of the 27th July, and was forwarded by the British packet, the Althea, under the special protection of Mr. Baker. The object of that letter, and of the next preceding one of the 26th of June, was, to invest you with power to suspend by an armistice, on such fair conditions as it was presumed could not be rejected, the operation of the war, which had been brought on the United States by the injustice and violence of the British government. At the moment of the declaration of war, the President, regretting the necessity which produced it, looked to its termination and provided for it ; and happy will it be for both countries, if the disposition felt, and the advance thus made on his part, are entertained and met by the British government in a similar spirit.

You have been informed by Mr. Graham of what passed in my late absence from the city, in an interview between Mr. Baker and him, in consequence of a despatch from the British government to Mr. Foster, received at Halifax, just before he sailed for England, and transmitted by him to Mr. Baker, relating to a proposed suspension or repeal of the British orders in council. You will have seen by the note forwarded to you by Mr. Graham, of Mr. Baker's communication to him, that Mr. Foster had authorized him to state, that the commanders of the British forces at Halifax would agree to a suspension, after a day to be fixed, of the condemnation of prizes to await the decision of both governments, without however, preventing captures on either side. It appears also, that Mr. Foster had promised to communicate with sir George Prevost, and to advise him to propose to our government an armistice.

Sir George Prevost has since proposed to general Dearborn, at the suggestion of Mr. Foster, a suspension of

offensive operations by land, in a letter which was transmitted by the general to the Secretary at War. A provisional agreement was entered into between general Dearborn and colonel Baynes, the British adjutant general; bearer of general Prevost's letter, that neither party should act offensively, before the decision of our government should be taken on the subject.

Since my return to Washington, the document alluded to in Mr. Foster's despatch, as finally decided on by the British government, has been handed to me by Mr. Baker, with a remark that its authenticity might be relied on. Mr. Baker added, that it was not improbable that the admiral at Halifax might agree likewise to a suspension of captures, though he did not profess or appear to be acquainted with his sentiments on that point.

On full consideration of all the circumstances which merit attention, the President regrets that it is not in his power to accede to the proposed arrangement. The following are among the principal reasons which have produced this decision.

1. The President has no power to suspend judicial proceedings on prizes. A capture, if lawful, vests a right, over which he has no control. Nor could he prevent captures otherwise than by an indiscriminate recall of the commissions granted to our privateers, which he could not justify under existing circumstances.

2. The proposition is not made by the British government, nor is there any certainty that it would be approved by it. The proposed arrangement, if acceded to, might not be observed by the British officers themselves, if their government, in consequence of the war, should give them instructions of a different character, even if they were given without a knowledge of the arrangement.

3. No security is given, or proposed, as to the Indians, nor could any be relied on. They have engaged in the war, on the side of the British government, and are now prosecuting it with vigour, in their usual savage mode. They can only be restrained by force, when once let loose, and that force has already been ordered out for the purpose.

4. The proposition is not reciprocal, because it restrains the United States from acting where their power is great-

est, and leaves Great Britain at liberty, and gives her time to augment her forces in our neighbourhood.

5. That as a principal object of the war is to obtain redress against the British practice of impressment, an agreement to suspend hostilities even before the British government is heard from on that subject, might be considered a relinquishment of that claim.

6. It is the more objectionable, and of the less importance, in consideration of the instructions heretofore given you, which, if met by the British government, may have already produced the same result in a greater extent and more satisfactory form.

I might add, that the declaration itself is objectionable in many respects, particularly the following: 1. Because it asserts a right in the British government to restore the orders in council, or any part thereof, to their full effect, on a principle of retaliation on France, under circumstances of which she alone is to judge; a right which this government cannot admit, especially in the extent heretofore claimed, and acted on by the British government.

2. That the repeal is founded exclusively on the French decree of 28th April, 1811, by which the repeal of the decrees of Berlin and Milan, announced on the 5th August, 1810, to take effect on the 1st of November, of that year, at which time their operation actually ceased, is disregarded, as are the claims of the United States arising from the repeal on that day, even according to the British pledge.

3. That even if the United States had no right to claim the repeal of the British orders in council prior to the French decree of the 28th of April, 1811, nor before the notification of that decree to the British government on the 20th of May, of the present year, the British repeal ought to have borne date from that day, and been subject to none of the limitations attached to it.

These remarks on the declaration of the prince regent, which are not pursued with rigour, nor in the full extent which they might be, are applicable to it, in relation to the state of things which existed before the determination of the United States to resist the aggressions of the British government by war. By that determination the relations between the two countries have been altogether changed.

and it is only by a termination of the war, or by measures leading to it by consent of both governments, that its calamities can be closed or mitigated. It is not now a question whether the declaration of the prince regent is such as ought to have produced a repeal of the non-importation act, had war not been declared ; because by the declaration of war, that question is superseded, and the non-importation act having been continued in force by Congress, and become a measure of war, and among the most efficient, it is no longer subject to the control of the Executive in the sense, and for the purpose for which it was adopted. The declaration, however, of the prince regent, will not be without effect. By repealing the orders in council, without reviving the blockade of May, 1806, or any other illegal blockade, as is understood to be the case, it removes a great obstacle to an accommodation. The President considers it an indication of a disposition in the British government to accommodate the differences which subsist between the countries, and I am instructed to assure you, that if such disposition really exists, and is persevered in, and is extended to other objects, especially the important one of impressment, a durable and happy peace and reconciliation cannot fail to result from it."

*Mr. Russell to Mr. Monroe. London, September 1, 1812.*

SIR,—You will perceive by the enclosed copies of notes which have passed between lord Castlereagh and me, that the moderate and equitable terms proposed for a suspension of hostilities, have been rejected, and that it is my intention to return immediately to the United States.

My continuance here, after it has been so broadly intimated to me by his lordship that I am no longer acknowledged in my diplomatic capacity, and after a knowledge that instructions are given to the British admiral to negotiate an arrangement on the other side of the Atlantick, would, in my view of the subject, not only be useless, but improper.

It is probable, however, that the vessel in which I propose to embark, will not take her departure before the 15th or 20th of this month.

I have the honour to be, &c.

JONA. RUSSELL.

James Monroe, Esq. &c.

*Mr. Russell to Lord Castlereagh. London, August 24, 1812.*

MY LORD,—It is only necessary, I trust, to call the attention of your lordship to a review of the conduct of the government of the United States, to prove incontrovertibly its unceasing anxiety to maintain the relations of peace and friendship with Great Britain. Its patience in suffering the many wrongs which it has received, and its perseverance in endeavouring by amicable means to obtain redress, are known to the world. Despairing, at length, of receiving this redress from the justice of the British government, to which it had so often applied in vain, and feeling that a further forbearance would be a virtual surrender of interests and rights essential to the prosperity and independence of the nation, confided to its protection, it has been compelled to discharge its high duty by an appeal to arms. While, however, it regards this course as the only one which remained for it to pursue with a hope of preserving any portion of that kind of character which constitutes the vital strength of every nation, yet it is still willing to give another proof of the spirit which has uniformly distinguished its proceedings, by seeking to arrest, on terms consistent with justice and honour, the calamities of war. It has, therefore, authorized me to stipulate with his Britannick majesty's government an armistice, to commence at or before the expiration of sixty days after the signature of the instrument providing for it, on condition that the orders in council be repealed, and no illegal blockades be substituted to them, and that orders be immediately given to discontinue the impressment of persons from American vessels, and to restore the citizens of the United States already impressed; it being moreover well understood that the British government will assent to enter

into definitive arrangements, as soon as may be, on these and every other difference, by a treaty to be concluded either at London or Washington, as, on an impartial consideration of existing circumstances, shall be deemed most expedient.

As an inducement to Great Britain to discontinue the practice of impressment from American vessels, I am authorized to give assurance that a law shall be passed (to be reciprocal) to prohibit the employment of British seamen in the public or commercial service of the United States.

It is sincerely believed that such an arrangement would prove more efficacious in securing to Great Britain her seamen than the practice of impressment, so derogatory to the sovereign attributes of the United States and so incompatible with the personal rights of their citizens.

Your lordship will not be surprised that I have presented the revocation of the orders in council as a preliminary to the suspension of hostilities, when it is considered that the act of the British government of the 23d of June last, ordaining that revocation, is predicated on conditions, the performance of which is rendered impracticable by the change which is since known to have occurred in the relations between the two countries. It cannot now be expected that the government of the United States will, immediately on due notice of that act, revoke, or cause to be revoked, its acts, excluding from the waters and harbours of the United States all British armed vessels, and interdicting commercial intercourse with Great Britain. Such a procedure would necessarily involve consequences too unreasonable and extravagant to be, for a moment, presumed. The order in council of the 23d of June last will, therefore, according to its own terms, be null and of no effect, and a new act of the British government, adapted to existing circumstances, is obviously required for the effectual repeal of the orders in council, of which the United States complain.

The government of the United States considers indemnity for injuries received under the orders in council, and other edicts, violating the rights of the American nation, to be incident to their repeal, and it believes that satisfac-

tory provision will be made in the definitive treaty, to be hereafter negotiated for this purpose.

The conditions now offered to the British government for the termination of the war by an armistice, as above stated, are so moderate and just in themselves, and so entirely consistent with its interest and honour, that a confident hope is indulged, that it will not hesitate to accept them. In so doing, it will abandon no right, it will sacrifice no interest; it will abstain only from violating the rights of the United States; and, in return, it will restore peace with the power, from whom, in a friendly commercial intercourse, so many advantages are to be derived.

Your lordship is undoubtedly aware of the serious difficulties with which a prosecution of the war, even for a short period, must necessarily embarrass all future attempts at accommodation. Passions exasperated by injuries—alliances or conquests on terms which forbid their abandonment, will inevitably hereafter embitter and protract a contest which might now be so easily and happily terminated.

Deeply impressed with these truths, I cannot but persuade myself that his royal highness, the prince regent, will take into his early consideration the propositions, herein made on behalf of the United States, and decide on them in a spirit of conciliation and justice.

I have the honour to be, &c.

JONA. RUSSELL.

*Lord Castlereagh to Mr. Russell. Foreign Office, August 29, 1812.*

SIR,—Although the diplomatic relations between the two governments have been terminated by a declaration of war on the part of the United States, I have not hesitated under the peculiar circumstances of the case, and the authority under which you act, to submit to the prince regent the proposition contained in your letter of the 24th for a suspension of hostilities.

From the period at which your instructions must have been issued, it is obvious that this overture was determined upon by the government of the United States, in igno-

rance of the order in council of the 23d of June last, and; as you inform me that you are not at liberty to depart from the conditions set forth in your letter, it only remains for me to acquaint you that the prince regent feels himself under the necessity of declining to accede to the proposition therein contained, as being, on various grounds, absolutely inadmissible.

As soon as there was reason to apprehend that Mr. Foster's functions might have ceased in America, and that he might have been obliged to withdraw himself, in consequence of war being declared, from the United States, before the above mentioned order of the 23d of June, and the instructions consequent thereupon could have reached him, measures were taken for authorizing the British admiral on the American station to propose to the government of the United States an immediate and reciprocal revocation of all hostile orders, with the tender of giving full effect, in the event of hostilities being discontinued, to the provisions of the said order, upon the conditions therein specified.

From this statement you will perceive that the view you have taken of this part of the subject is incorrect; and that in the present state of the relations between the two countries, the operation of the order of the 23d June can only be defeated by a refusal on the part of your government to desist from hostilities, or to comply with the conditions expressed in the said order.

Under the circumstances of your having no powers to negotiate, I must decline entering into a detailed discussion of the propositions which you have been directed to bring forward.

I cannot, however, refrain on one single point from expressing my surprise, namely, that as a condition preliminary even to a suspension of hostilities, the government of the United States should have thought fit to demand that the British government should desist from its ancient and accustomed practice of impressing British seamen from the merchant ships of a foreign state, simply on the assurance that a law shall hereafter be passed, to prohibit the employment of British seamen in the publick or commercial service of that state.

The British government now, as heretofore, is ready to receive from the government of the United States, and amicably to discuss, any proposition which professes to have in view either to check abuse in the exercise of the practice of impressment, or to accomplish, by means less liable to vexation, the object for which impressment has hitherto been found necessary; but they cannot consent to suspend the exercise of a right upon which the naval strength of the empire mainly depends, until they are fully convinced that means can be devised, and will be adopted, by which the object to be obtained by the exercise of that right can be effectually secured.

I have the honour to be, &c.

CASTLEREAGH.

Jona. Russell, Esq. &c. &c.

*Mr. Russell to Lord Castlereagh. 18 Bentinck Street, September 1, 1812.*

MY LORD,—I have learnt with much regret by your lordship's note, dated the 29th ultimo, which I did not receive until this morning, that the prince regent has thought proper to decline to accede to the proposition for a suspension of hostilities, contained in my note of the 24th of August.

It has been matter of surprise to me that my view with regard to the revocation of the orders in council, on the 23d of June last, should have been considered to have been incorrect, when it appears by your lordship's note that the British government itself has deemed it necessary to give powers to the British admiral to stipulate for its full effect, and thereby admitted that a new act was required for that purpose.

It now only remains for me to announce to your lordship that it is my intention to embark immediately at Plymouth on board the ship *Lark*, for the United States, and to request that permission may be granted, as soon as may be, for the embarkation of my servants, baggage, and the effects of this legation, and that the necessary passports may be furnished for my own and their safe conduct to that destination.

I avail myself of this occasion to apprise your lordship that I am authorized by the government of the United States to leave Reuben Guant Beasley, Esq. as its agent for prisoners of war in this country, and to desire that every necessary facility may be afforded him in the exercise of that trust, by the British government.

I have the honour to be, &c.

JONA. RUSSELL.

The Right Hon. Lord Castlereagh, &c.

*Mr. Russell to Mr. Monroe. London, Sept. 3, 1812.*

SIR,—I enclose herein a copy of a note received yesterday from lord Castlereagh, which will acquaint you that I have obtained my passports to return to the United States, and that Mr. Beasley is permitted to remain here as agent for prisoners of war.

Immediately on demanding my passports, I addressed to the consuls a circular, of which you will also find a copy enclosed.

The Swiftsure packet sailed on the 31st of last month from Falmouth for America, and it is very probable that she takes out instructions suggested by the overture made here, but there is no reason to believe that they can be of a nature to satisfy the United States.

I have the honour to be, &c.

JONA. RUSSELL.

*Lord Castlereagh to Mr. Russell. Foreign Office, Sept. 2, 1812.*

SIR,—I have laid before his royal highness the prince regent, your letter of the 1st inst. in which you announce your intention to embark immediately at Plymouth on board the ship Lark, for the United States.

I have already had the honour of forwarding to you an admiralty order for the protection of that ship as a cartel, on her voyage to America; and I herewith enclose to you a passport for the free embarkation of yourself and family, in conformity to your request. The lords commissioners of his majesty's treasury will issue directions to the com-

missioners of the customs to give every facility to the embarkation of your effects.

If, previous to your departure from England, you can point out to me any particular manner in which I can facilitate your arrangements, I beg that you will command my services.

His royal highness has commanded me to signify to you, for the information of your government, that there will be no difficulty in allowing Mr. R. G. Beasley, as stated in your letter, to reside in this country as the United States' agent for prisoners of war.

I have the honour to be, &c. &c.

CASTLEREAGH.

*Admiral Warren to the Secretary of State. Halifax, Nova Scotia, September 30, 1812.*

SIR,—The departure of Mr. Foster from America, has devolved upon me the charge of making known to you, for the information of the government of the United States, the sentiments entertained by his royal highness, the prince regent, upon the existing relations of the two countries.

You will observe from the enclosed copy of an order in council bearing date the 23d of June, 1812, that the orders in council of the 7th of January, 1807, and the 26th of April, 1809, ceased to exist nearly at the same time that the government of the United States declared war against his majesty.

Immediately on the receipt of this declaration in London, the order in council of which a copy is herewith enclosed to you, was issued on the 31st day of July, for the embargo and detention of all American ships.

Under these circumstances I am commanded to propose to your government the immediate cessation of hostilities between the two countries, and I shall be most happy to be the instrument of bringing about a reconciliation, so interesting and beneficial to America and Great Britain.

I therefore propose to you, that the government of the United States of America shall instantly recall their letters of marque and reprisal against British ships, together with

all orders and instructions for any acts of hostility whatever against the territories of his majesty or the persons or property of his subjects; with the understanding that, immediately on my receiving from you an official assurance to that effect, I shall instruct all the officers under my command to desist from corresponding measures of war against the ships and property of the United States, and that I shall transmit without delay corresponding intelligence to the several parts of the world, where hostilities may have commenced; the British commanders in which will be required to discontinue hostilities from the receipt of such notice.

Should the American government accede to the above proposal for terminating hostilities, I am authorized to arrange with you, as to the revocation of the laws which interdict the commerce and ships of war of Great Britain from the harbours and waters of the United States; in default of which revocation within such reasonable periods as may be agreed upon, you will observe by the order of the 23d June, the orders in council of January, 1807, and April, 1809, are to be revived.

The officer who conveys this letter to the American coast has received my orders to put to sea immediately upon the delivery of this despatch to the competent authority; and I earnestly recommend that no time may be lost in communicating to me the decision of your government, persuaded as I feel, that it cannot but be of a nature to lead to a speedy termination of the present differences.

The flag of truce which you may charge with your reply, will find one of my cruisers at Sandy Hook ten days after the landing of this despatch, which I have directed to call there with a flag of truce for that purpose.

I have the honour to be, &c.

JOHN BORLASE WARREN,  
Admiral of the Blue and Commander  
in Chief, &c. &c. &c.

*The Secretary of State to Admiral Warren. Department of State, October 27, 1812.*

SIR,—I have had the honour to receive your letter of the 30th ultimo, and to submit it to the consideration of the President.

It appears that you are authorized to propose a cessation of hostilities between the United States and Great Britain, on the ground of the repeal of the orders in council, and in case the proposition is acceded to, to take measures in concert with this government to carry it into complete effect on both sides.

You state also, that you have it in charge, in that event, to enter into an arrangement with the government of the United States for the repeal of the laws which interdict the ships of war, and the commerce of Great Britain, from the harbours and waters of the United States. And you intimate that if the proposition is not acceded to, the orders in council, repealed conditionally by that of the 23d June last, will be revived against the commerce of the United States.

I am instructed to inform you that it will be very satisfactory to the President to meet the British government in such arrangements as may terminate, without delay, the hostilities which now exist between the United States and Great Britain, on conditions honourable to both nations.

At the moment of the declaration of war, the President gave a signal proof of the attachment of the United States to peace. Instructions were given, at that early period, to the late charge des affaires of the United States at London, to propose to the British government an armistice on conditions which it was presumed would have been satisfactory. It has been seen with regret that the proposition made by Mr. Russell, particularly in regard to the important interest of impressment, was rejected, and that none was offered, through that channel, as a basis on which hostilities might cease.

As your government has authorized you to propose a cessation of hostilities, and is doubtless aware of the important and salutary effect which a satisfactory adjustment of this difference cannot fail to have on the future rela-

tions between the two countries, I indulge the hope that it has, ere this, given you full power for the purpose. Experience has evinced that no peace can be durable unless this object is provided for. It is presumed, therefore, that it is equally the interest of both countries to adjust it at this time.

Without farther discussing questions of right, the President is desirous to provide a remedy for the evils complained of on both sides. The claim of the British government is to take from the merchant vessels of other countries British subjects. In the practice, the commanders of British ships of war often take from the merchant vessels of the United States, American citizens. If the United States prohibit the employment of British subjects in their service, and enforce the prohibition by suitable regulations and penalties, the motive for the practice is taken away. It is in this mode that the President is willing to accommodate this important controversy with the British government, and it cannot be conceived on what ground the arrangement can be refused.

A suspension of the practice of impressment, pending the armistice, seems to be a necessary consequence. It cannot be presumed, while the parties are engaged in a negotiation to adjust amicably this important difference, that the United States would admit the right, or acquiesce in the practice of the opposite party, or that Great Britain would be unwilling to restrain her cruisers from a practice which would have the strongest tendency to defeat the negotiation. It is presumable that both parties would enter into the negotiation with a sincere desire to give it effect. For this purpose it is necessary that a clear and distinct understanding be first obtained between them, of the accommodation which each is prepared to make. If the British government is willing to suspend the practice of impressment from American vessels, on consideration that the United States will exclude British seamen from their service, the regulations by which this compromise should be carried into effect would be solely the object of negotiation. The armistice would be of short duration. If the parties agreed, peace would be the result. If the negotiation failed, each would be re-

stored to its former state, and to all its pretensions by recurring to war.

Lord Castlereagh, in his note to Mr. Russell, seems to have supposed that had the British government accepted the proposition made to it, Great Britain would have suspended, immediately, the exercise of a right, on the mere assurance of this government that a law would be afterwards passed to prohibit the employment of British seamen in the service of the United States, and that Great Britain would have no agency in the regulations to give effect to that prohibition. Such an idea was not in the contemplation of this government, nor is it to be reasonably inferred from Mr. Russell's note. Lest, however, by possibility such an inference might be drawn from the instructions to Mr. Russell, and anxious that there should be no misunderstanding in the case, subsequent instructions were given to Mr. Russell, with a view to obviate every objection of the kind alluded to. As they bear date on the 27th of July, and were forwarded by the British packet *Althea*, it is more than probable that they may have been received and acted on.

I am happy to explain to you thus fully the views of my government on this important subject. The President desires that the war which exists between our countries should be terminated on such conditions as may secure a solid and durable peace. To accomplish this great object it is necessary that the interest of impressment be satisfactorily arranged. He is willing that Great Britain should be secured against the evils of which she complains. He seeks on the other hand, that the citizens of the United States should be protected against a practice, which, while it degrades the nation, deprives them of their rights as freemen, takes them by force from their families and their country into a foreign service to fight the battles of a foreign power, perhaps against their own kindred and country.

I abstain from entering, in this communication, into other grounds of difference. The orders in council having been repealed, with a reservation not impairing a corresponding right on the part of the United States, and no illegal blockades, revived or instituted in their stead, and an understanding being obtained on the subject of impressment, in

the mode herein proposed, the President is willing to agree to a cessation of hostilities, with a view to arrange by treaty, in a more distinct and ample manner, and to the satisfaction of both parties, every other subject of controversy.

I will only add that if there be no objection to an accommodation of the difference relating to impressment in the mode proposed other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding without the armistice, to an immediate discussion and arrangement of an article on that subject. This great question being satisfactorily adjusted, the way will be open for an armistice, or any other course leading most conveniently and expeditiously to a general pacification.

I have the honour, &c.

JAMES MONROE.

*Mr. Russell to Mr. Monroe. London, May 25, 1812.*

SIR,—I have the honour to hand you herein a copy of my note of the 20th of this month, communicating to lord Castlereagh a decree of the French government, dated the 28th of February, 1811, and of two letters of the French ministers of the 25th of December, 1810. I also send you copies of that decree, and of a note from his lordship acknowledging the receipt of my communication, and engaging to submit the documents above mentioned to his royal highness the prince regent.

I have the honour, &c.

JONA. RUSSELL.

The Hon. James Monroe, Esq. &c.

*Mr. Russell to Lord Castlereagh.*

THE undersigned, charge d'affaires of the United States of America, has the honour to transmit to lord Castlereagh authentick copies of a decree purporting to be passed by the emperor of the French on the 28th of April, 1811, of a letter addressed by the French minister of finance to the

director general of the customs on the 28th December, 1810, and of another letter of the same date from the French minister of justice to the president of the council of prizes.

As these acts explicitly recognise the revocation of the Berlin and Milan decrees, in relation to the United States, and distinctly make this revocation to take effect from the 1st November, 1810, the undersigned cannot but persuade himself that they will, in the official and authentick form in which they are now presented to his Britannick majesty's government, remove all doubt with respect to the revocation in question, and, joined with all the powerful considerations of justice and expediency so often suggested, lead to like repeal of the British orders in council, and thereby to a renewal of that perfect amity and unrestricted intercourse between this country and the United States, which the obvious interests of both nations require.

The undersigned avails himself, &c.

JONATHAN RUSSELL.

18, Bentinck-st. May 20, 1812.

#### TRANSLATION.

*Palace of St. Cloud, April 28, 1811.*

NAPOLÉON, EMPEROR OF THE FRENCH, &c. &c.

ON the report of our minister of foreign relations :

Seeing by a law passed on the 2d March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering into the ports of the United States.

Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British orders in council, and a formal refusal to adhere to a system invading the independence of neutral powers and of their flag ; we have ordered and do decree as follows :

The decrees of Berlin and Milan are definitively, and to date from 1st November last, considered as not existing in regard to American vessels.

NAPOLEON.

By the Emperor, the Minister Secretary of State.  
THE COUNT DARU.

*Lord Castlereagh to Mr. Russell. Foreign Office, May 23, 1812.*

LORD CASTLEREAGH presents his compliments to Mr. Russell, and has the honour to acknowledge the receipt of his official note of 20th instant, transmitting copies of two official letters of the French ministers, and of a decree of the French government, bearing date the 28th of April, 1811. Lord Castlereagh will immediately lay these documents before his royal highness the prince regent, and avails himself of this opportunity to renew to Mr. Russell the assurances of his high consideration.

Jonathan Russell, Esq. &c.

*Mr. Russell to the Secretary of State. London, June 26, 1812.*

SIR,—I have the honour to hand to you herein, an order of council of the 23d of this month, revoking the orders in council of the 7th of January, 1807, and of the 26th of April, 1809.

To this decree I have added copies of two notes of the same date from lord Castlereagh, accompanying the communication of it to me, and also a copy of my answer.

With great respect and consideration, I am, &c.

JONATHAN RUSSELL.

*At the Court at Carlton House, June 23, 1812, present His Royal Highness the Prince Regent, in Council.*

WHEREAS his royal highness, the prince regent, was pleased to declare, in the name and on the behalf of his

majesty, on the 21st day of April, 1812, " that if at any time hereafter the Berlin and Milan decrees shall, by some authentick act of the French government, publickly promulgated, be absolutely and unconditionally repealed, then and from thenceforth the order in council of the 7th of January, 1807, and the order in council of the 26th of April, 1809, shall, without any further order, be, and the same are hereby declared from thenceforth to be wholly and absolutely revoked.

And whereas the charge des affaires of the United States of America, resident at this court, did, on the 20th day of May last, transmit to lord viscount Castlereagh, one of his majesty's principal secretaries of state, a copy of a certain instrument then for the first time communicated to this court, purporting to be a decree passed by the government of France on the 28th day of April, 1811, by which the decrees of Berlin and Milan are declared to be definitively no longer in force in regard to American vessels.

And whereas his royal highness, the prince regent, although he cannot consider the tenour of the said instrument as satisfying the conditions set forth in the said order of the 21st day of April last, upon which the said orders were to cease and determine, is nevertheless disposed on his part to take such measures as may tend to re-establish the intercourse between neutral and belligerent nations upon its accustomed principles. His royal highness the prince regent, in the name and on the behalf of his majesty, is therefore pleased, by and with the advice of his majesty's privy council, to order and declare, and it is hereby ordered and declared, that the order in council bearing date the 7th day of January, 1807, and the order in council bearing date the 26th day of April, 1809, be revoked, so far as may regard American vessels, and their cargoes being American property, from the first day of August next.

But whereas by certain acts of the government of the United States of America, all British armed vessels are excluded from the harbours and waters of the said United States, the armed vessels of France being permitted to enter therein, and the commercial intercourse between Great Britain and the said United States is interdicted,

the commercial intercourse between France and the said United States having been restored, his royal highness the prince regent is pleased hereby further to declare, in the name and on the behalf of his majesty, that if the government of the said United States shall not, as soon as may be, after this order shall have been duly notified by his majesty's minister in América to the said government, revoke or cause to be revoked the said acts, this present order shall in that case, after due notice signified by his majesty's minister in America to the said government, be henceforth null and of no effect.

It is further ordered and declared, that all American vessels, and their cargoes being American property, that shall have been captured subsequently to the 20th day of May last, for a breach of the aforesaid orders in council alone, and which shall not have been actually condemned before the date of this order, and that all ships and cargoes as aforesaid, that shall henceforth be captured under the said orders prior to the first day of August next, shall not be proceeded against to condemnation till further orders; but shall, in the event of this order not becoming null and of no effect, in the case aforesaid, be forthwith liberated and restored, subject to such reasonable expenses on the part of the captors as shall have been justly incurred.

Provided that nothing in this order contained, respecting the revocation of the orders herein mentioned, shall be taken to revive wholly or in part the orders in council of the 11th of November, 1807, or any other order not herein mentioned, or to deprive parties of any legal remedy to which they may be entitled under the order in council of the 21st April, 1812.

His royal highness is hereby pleased further to declare, in the name and on the behalf of his majesty, that nothing in this present order contained shall be understood to preclude his royal highness the prince regent, if circumstances shall so require, from restoring, after reasonable notice, the orders of the 7th of January, 1807, and 26th of April, 1809, or any part thereof, to their full effect, or from taking such other measures of retaliation against the enemy as may appear to his royal highness to be just and necessary.

And the right honourable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lord's commissioners of the admiralty, and the judge of the high court of admiralty, and the judges of the courts of vice admiralty, are to take the necessary measures herein, as to them may respectively appertain.

JAMES BULLER.

*Lord Castlereagh to Mr. Russell. Foreign Office, June 23, 1812.*

SIR,—I am commanded by the prince regent to transmit to you for your information, the enclosed printed copy of an order in council which his royal highness, acting in the name and on the behalf of his majesty, was this day pleased to issue, for the revocation (on the conditions therein specified) of the orders in council of the 17th January, 1807, and of the 26th of April, 1809, so far as may regard American vessels and their cargoes, being American property, from the 1st August next.

I have the honour to be, &c.

CASTLEREAGH.

*Lord Castlereagh to Mr. Russell. Foreign Office, June 23, 1812.*

SIR,—In communicating to your government the order in council of this date, revoking (under certain conditions therein specified) those of January 7th, and of April 26th, 1809, I am to request that you will at the same time acquaint them, that the prince regent's ministers have taken the earliest opportunity, after the resumption of the government, to advise his royal highness to the adoption of a measure grounded upon the document communicated by you to this office on the 20th ultimo; and his royal highness hopes that this proceeding, on the part of the British government, may accelerate a good understanding on all points of difference between the two states.

I shall be happy to have the honour of seeing you at the foreign office at 2 o'clock to-morrow; and beg to apprise you that one of his majesty's vessels will sail for America with the despatches of the government in the course of the present week.

I have the honour to be, &c.

CASTLEREAGH.

*Mr. Russell to Lord Castlereagh. 18, Bentinck street,  
June 26, 1812.*

MY LORD,—I have the honour to acknowledge the receipt of the two notes addressed to me by your lordship on the 23d of this month, enclosing an order in council issued that day by his royal highness the prince regent, acting in the name and on the behalf of his Britannick majesty, for the revocation (on the conditions therein specified) of the orders in council of the 7th of January, 1807, and of the 26th of April, 1809, so far as may regard American vessels and their cargoes, being American property, from the first of August next.

In communicating this document to my government, I shall, with much satisfaction, accompany it with the hopes which you state to be entertained by his royal highness the prince regent, that it may accelerate a good understanding on all points of difference between the two states. I am the more encouraged to believe that these hopes will not be disappointed, from the assurance which your lordship was pleased to give me, in the conversation of this morning, that, in the opinion of your lordship, the blockade of the 16th of May, 1806, had been merged in the orders in council, now revoked, and extinguished with them; and that no condition contained in the order of the 23d instant, is to be interpreted to restrain the government of the United States from the exercise of its right to exclude British armed vessels from the harbours and waters of the United States, whenever there shall be special and sufficient cause for so doing, or whenever such exclusion shall, from a general policy, be extended to the armed vessels of the enemies of Great Britain. This assurance I am happy to consider as evidence of a conciliatory spirit.

which will afford on every other point of difference an explanation equally frank and satisfactory.

I am, &c.

JONA. RUSSELL.

*Mr. Russell to the Secretary of State. London, July 2, 1812.*

SIR,—I avail myself of the opportunity afforded by the British packet, to transmit to you a copy of a note from lord Castlereagh, of the 29th ultimo, which I trust will put at rest the blockade of 1806.

I acknowledge the receipt of this note, as you will observe by the enclosed copy of my reply, without a comment.

I did not think it useful to enter into a discussion at this moment concerning the legality of that blockade, which, as no new doctrine appears to be assumed, is made to depend on the fact, the application of an adequate force.

In like manner I have foreborne to notice his lordship's observations concerning the exclusion, from our ports, of British vessels of war. As such exclusion is required to accord with the obligations of strict neutrality only, the conduct and character of the government of the United States furnish security against any question arising on that subject.

I have the honour to be, &c.

JONA. RUSSELL.

*Lord Castlereagh to Mr. Russell. Foreign Office, June 29, 1812.*

LORD CASTLEREAGH has the honour to acknowledge the receipt of Mr. Russell's communication of the 26th inst.

That no mistake may prevail upon the explanation given in conversation by lord Castlereagh to Mr. Russell, on the two points referred to in Mr. Russell's letter, lord Castlereagh begs leave to re-state to Mr. Russell, with respect to the blockade of May, 1806, that, in point of fact, this particular blockade has been discontinued for a length of time; the general retaliatory blockade of the enemy's

ports, established under the orders in council, of November, 1807, having rendered the enforcement of it by his majesty's ships of war no longer necessary; and that his majesty's government have no intention of recurring to this or to any other blockades of the enemy's ports, founded upon the ordinary and accustomed principles of maritime law, which were in force previous to the order in council, without a new notice to neutral powers in the usual forms.

With respect to the provision of the order of the 23d instant, which refers to the admission of British ships of war into the harbours and waters of the United States, lord Castlereagh informs Mr. Russell, that this claim is made in consequence of his majesty's ships being now excluded, whilst those of the enemy are admitted. It is the partial admission of one of the belligerents of which Great Britain feels herself entitled to complain, as a preference in favour of the enemy, incompatible with the obligations of strict neutrality. Were the exclusion general, the British government would consider such a measure, on the part of America, as matter of discussion between the two states, but not as an act of partiality of which they had in the first instance a right to complain.

Lord Castlereagh avails himself of this opportunity to renew to Mr. Russell the assurances of his high consideration.

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street,  
July 1, 1812.*

MR. RUSSELL has the honour to acknowledge the receipt of the note of lord Castlereagh, dated the 29th ultimo, containing explanations relative to the two points referred to in Mr. Russell's note of the 26th of that month, and will take the earliest opportunity of communicating it to his government.

Mr. Russell begs leave to avail himself of this occasion to repeat to lord Castlereagh the assurances of his high consideration.

## No. 16.

*Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 12, 1812.*

SIR,—My last despatch upon general business was No. 12. I therein mentioned the case of the “Jane Maria,” which had been cut out of the port of Swinemunde by a French privateer. Subsequent to the date of that despatch the captain arrived, but in the intermediate time a Frenchman had been put on board as a guard, and this became an obstacle to her departure. My correspondence with Mr. de Rosenkrantz on this affair is herewith submitted, viz. No. 1, December 10th; No. 2, January 11th; No. 3, January 15th; No. 4, January 15th; No. 5, January 16th, of the enclosures. I understand that one of the crew of the “Jane Maria” has appeared before a notary, and sworn that whilst the vessel lay at Swinemunde she had communication with the English, and was to have gone under their convoy. Should this declaration prove to be correct, yet I presume that she cannot therefore be condemned. The French minister does not however find himself authorized to release her, but he momentarily expects orders from his government on the subject. The papers of the vessel are in my possession.

In my despatch No. 10, I mentioned that of the cases which were pending on my arrival in Copenhagen, the “Minerva Smith,” Mann, only remained to be adjudged, and that I had sought to delay it for the purpose of procuring, and in the hope of introducing before the tribunal some further evidence. A part of the evidence to which I referred was soon afterwards received from England, and laid before the minister of state in a note of December 13th; a copy (No. 6) is enclosed, as it serves to explain the peculiar difficulties under which this, a property of very great value, was placed. No change having been produced by this representation in the opinion of the high court, I obtained that the case should be laid before the Danish chancery; and the report of that body not being sufficiently full and satisfactory, the case was transferred to the Sleswic Holstein chancery, (on the king’s own suggestion) as Kiel, where the vessel was taken, being with-

in the jurisdiction of that chancery, the affair was not properly cognizable by the Danish chancery. These various operations consumed a great deal of time; but finally towards the latter end of February the Sleswic Holstein chancery produced a very laborious and voluminous report in favour of the case, pursuant to which his majesty ordered the high court to pass sentence of acquittal.

With my aforementioned despatch, No. 10, was transmitted copy of a note to Mr. de Rosenkrantz, (of Sept. 28) respecting the then pending cases generally. Still further to promote the object of it I again addressed him on Nov. 3d, and in the progress of the business perceiving that the high court had lost nothing of its disposition to condemn, and had actually determined to sacrifice one of the clearest cases in the whole list, (the "Brutus") on the 13th December, I thought it necessary to require that its proceedings should be arrested, and its opinions submitted to the king through his chancery; (those two notes are Nos. 7 and 8 of the enclosed;) the necessary order was immediately given, and thus two or three cases were saved from condemnation. But though the report of the chancery on the case of the "Brutus" was favourable, that vessel was finally condemned; the particular circumstances of her case will be seen in my note to Mr. de Rosenkrantz of April 10th, and the sentence of the tribunal (Nos. 7 B and 8 B) of the enclosed papers.

At the date of said despatch No. 10, there were ten cases depending, exclusive of French captures, and inclusive of the "Hannah" and "Two Generals," double captures, as appears by the list which was therewith transmitted. In despatch No. 11, I mentioned the release of the "Horace" and "Augustus," two of the list, so that there were at that time only six cases of simple capture depending. I have now the satisfaction of informing you that the whole of these have been acquitted, the "Brutus" as above mentioned only excepted. The "Hannah" and "Two Generals," must, I fear, be determined in Paris. The French government has proposed to the Danish, that without reference to these questions of jurisdiction which have always been found so difficult to arrange to the satisfaction of all parties, the simple rule shall be adopted of determining the question of prize in the tribunals of the

country to which the captor may belong, in all cases where he may possess himself of the captured vessel's papers. This proposition has not been, nor do I believe that it will be, acceded to by the Danish government; yet, sir, you will readily perceive that if the French government should persist, there can be very little expectation of our obtaining from this, the release of a vessel which may have been condemned by the council of prizes. There is even some reason to apprehend that it will so persist, since the French consul has now received orders from the minister of marine to transmit to Paris the papers of the ship "Olive Branch," which, as mentioned in my despatch No. 12, was seized under the very guns of the fort of Nyborg; and this case is peculiarly strong, since the "Olive Branch" had his Danish majesty's license on board. But I must in this place also mention that my correspondence with Mr. Desaugiers (lately French charge d'affaires here) which was submitted to you with despatch No. 8, having been also submitted to his government, he is now answered by the duke of Bassano, in terms strongly reprehending the excesses of the corsairs in general, and particularly reproving their practice of hoisting the French flag on board the vessels captured, of which he strictly forbids the recurrence.

The "Rachel," "Rover" and "Packet," three vessels (on the pending lists heretofore transmitted) which have been released, being partly laden with "colonial produce," were, pursuant to the established regulations with regard to vessels so laden, ordered to quit the port and to proceed on their voyages; the French privateers were then watching for and would infallibly have captured them on their departure. The copies herewith enclosed, viz. my notes to Mr. de Rosenkrantz of November 27, 28, and 29, (Nos. 9, 10, and 11) Mr. de Rosenkrantz his unofficial note of December 1st, (No. 12) my reply of same date (No. 13) Mr. de Rosenkrantz his official note of December 2d, (No. 14) relate to this matter, which you will be pleased to observe was very satisfactorily settled.

The last list of vessels which had passed this way was dated October 9: since then a few scattered vessels have presented themselves; viz.

The "Dolphin," Latham, "America," Briggs, from Petersburg to the United States, passed without interruption.

"Ann," How, arrived safely at Christiansand.

"Sally," Brown, turned away from Amsterdam by the English, continued her voyage towards this place, and was wrecked on the coast of Jutland.

"Adriana," Abrahams, of Baltimore, belonging to Smith and Co. with a cargo of hides convoyed by the Danes from Gottenburg to Copenhagen, (having Danish license) cargo sold in Copenhagen and reconvoyed to Elsinour.

"Columbia," Jennison, (owners unknown) from St. Ubes with salt, much under the same circumstances.

"Swanwick," Clark, with a cargo of tobacco, property of Pratt and Kintzing of Philadelphia, do. do.

"Asia," Ormsby, (Brown and Ives of Providence) with 3500 chests of tea arrived at Gottenburg some months since, in her voyage from thence to Copenhagen, captured by a Danish privateer, but immediately released, having the king's permission to come hither and sell.

This completes the account of our trade for the last year as far as particulars have come to my knowledge. In my despatch No. 12, I transmitted certain statements relating to that trade; triplicate of those statements were sent with No. 14, with the addition of a printed tariff of the duties payable on all merchandise passing through the Sound: a duplicate of the tariff is herewith enclosed. I have lately seen a printed statement of our exports from Petersburg during the last year made by a commercial house of that place. It agrees in general with the document No. 3, enclosed with my aforesaid despatch. It is however more complete as to the number of vessels, including all those which went up through the Belt, and gives a total of 127 (noting that in 1810 the total was 100 only) but states that 29 of the 127 were bound to European ports, having as part of their cargoes 23615 *poods of flax*! Most of these 29 probably returned through the Belt; such as passed the Sound must have had false clearances. In the course of judicial investigations the Danes have already discovered, as is supposed, sufficient grounds for distrusting the character of our commerce: such printed information from what is called a "respecta-

ble American house" at Petersburg, recommending itself to its correspondents by this species of industry, cannot fail to augment that distrust.

All the old and new cases being now disposed of, I herewith enclose a table (No. 19) bringing the whole of them and the proceedings which have been had on them into one view. I beg you, sir, to observe, that of 38 cases of Danish capture ON THE LIST OF 1811, there have been only three appeals of the captors against the sentences of acquittal given by the inferior tribunal, so little have been their expectations of procuring final condemnations, and that excepting the three English and English license cases ("President," "Neptune," and "Aurora,") there has been but one final condemnation, viz. the "Brutus."

I hope that upon the whole this view will be satisfactory to the President. Mr. de Rosenkrantz told me in an early interview that the administration of justice was as impartial and as prompt here as in any other country; he added (referring to the dispositions of the king) that in future we should have nothing to complain of. How far his assertion was correct, or his promise has been complied with, I will not presume to determine; but I must do that minister the justice to say, that he spoke with perfect sincerity, and under impressions the most just and friendly, and to believe that where the results fall short of our expectations, it has not been from any failure of those dispositions.

I have taken occasion in former despatches to mention, and in frequent representations to Mr. de Rosenkrantz, to remonstrate against the practices of fining and taxing vessels acquitted in the tribunals. These practices, nearly indiscriminate as they are, I found to be quite unreasonable, in their application frequently most unjust; yet after all, for the amount of the exactions, they are not oppressive, perhaps had they been abolished altogether we might not have had quite so many vessels captured; there would certainly have been more appeals and might have been more condemnations. The lists herewith enclosed (paper marked No. 20) show the sums which the cases have been charged under the several heads of costs, fines, and two per mille tax in the tribunals of Copenhagen: the two per mille goes to the king's coffer; the fine goes to the captor

for his trouble in capturing where he is supposed to have had just grounds of suspicion; the court expenses are invariably forty rix dollars (equal to five and a half dollars) in each case. There are no other expenses but advocate's fees: here, as in all countries, the amount of these is settled by agreement between the counsel and the client; in the inferior tribunal no advocate is employed.

The situation of the masters of our vessels condemned here was formerly made the more distressing by the prosecutions to which they were exposed on account of wages due to their sailors, the laws here compelling them to provide for their crews: these laws had been executed with great rigour, and large sums had been frequently adjudged to be paid by masters who could scarcely find credit for their own subsistence. The consul had, by frequent representations, endeavoured to remedy this evil, but without success. When I came to act in this matter I was answered, that if the master deceived the men by engaging them in a vessel which was not in fact American as he pretended, it was but just that he should pay them, his sufferings then were chargeable only to his own misconduct: however, I finally obtained that it should be laid before the chancery; that tribunal, by a report of January 11, adopted by his majesty, decreed that "no law suit regarding the wages due to North American mariners from their captains shall be admitted before the tribunals." I did not succeed in obtaining payment for the men out of the condemned vessel, but on this point thought it not prudent to go far.

I have the honour to be, &c.

GEORGE W. ERVING.

Mr. Monroe, Secretary of State.

No. 7. B.

*Mr. Erving to Mr. de Rosenkrantz. Copenhagen, April 10, 1812.*

SIR,—In one of the first interviews which I had with your excellency, you assured me, on the part of his majesty, "*That for the future the United States should have nothing to complain of.*" Fully relying then on the good

faith and friendly sentiment in which this declaration was made, to those favourable dispositions of his majesty I have addressed all my subsequent reclamations ; and the reports which I have, from time to time, submitted to my government, have corresponded to the harmony thus established in our proceedings. Judge then, sir, with what extreme concern and regret I now find myself under the necessity of protesting and reclaiming against a sentence of the high court of admiralty, grounded on the king's own decision, against the American ship Brutus and her cargo, the genuine property of American citizens, in favour of which I have been for several months negotiating with your excellency ; respecting which I have furnished documentary evidence of great importance, and the circumstances of which I was so fully authorized to consider as peculiarly favourable : judge, sir, of the concern with which I see, in the sentence now given, that the reclamation which I have made in this case, has been passed over ; the documents which I have furnished have been set aside, and that grounds for condemnation have been assumed, wholly insufficient, and, in part, even contrary to facts as established by those documents. I am perfectly certain that his majesty does not believe that I am capable of attempting to support any cause but the just cause of a genuine American citizen, nor shall I readily abandon the conviction that he is still actuated by the just and friendly dispositions which motived the declaration above cited : hence I must presume that the misrepresentations which have been made to him, and the influence which has been produced in his mind, on the present occasion, are of a very extraordinary character. This conclusion is the more unavoidable, since, certainly, I have long since succeeded in convincing your excellency, who has such high and indisputable title to the entire confidence of his majesty, that the cause of the Brutus is a just one ; nor can I in this view fail to notice that the opinion of the chancery was in its favour ; that there was a division of opinion amongst the members of the high court, and that the vessel was fully acquitted by the inferior court in Norway. By my note of December 13, 1811, I furnished to your excellency proofs that the captor's appeal from that sentence had been made only because the American captain

(Fenno) refused to pay 6,000 rix dollars by way of compromise, and this complaint having been laid, by his majesty's order, before, and having been duly investigated by, the chancery, was deemed to be so well founded and so reasonable, that a new and severe law upon that subject was judged to be expedient. This is, in fine, the only case which has come before the king wherein he has decided unfavourably against a prior sentence of acquittal by one of his tribunals; and it is the only case, as far as I know, wherein, a difference of opinion amongst the members of the high court existing, he has not decided in favour of the claimant. To the just and liberal principles which actuated his majesty on such occasions, in this case was added that, which even in default of other favourable circumstances, it was to be supposed could not but determine him to release the vessel—the offer on the part of the captors, and the refusal on the part of the American captain to compromise; for what stronger presumption can be furnished against the justice of the captor's claim than their offer to compromise it for a small sum, or what more favourable to a belief in the American captain's innocence than his refusal to pay that sum?

By the copy of the sentence which I have herewith the honour to enclose, your excellency will perceive that the tribunal has commenced by an assertion that captain Fenno, during his detention, attempted to escape, and that, upon this supposed attempt, are grounded its "suspicions;" but in the note which I addressed to you on the 4th January, I enclosed a document which proved most incontestably that no such attempt was made, and that the assertions of the captors, in this respect, were altogether false. How astonishing then that the high court should venture to place its sentence on such ground. The other motives mentioned in the sentence, considered as objections to *the neutrality of this ship and cargo*, are scarcely entitled to comment. What if different hand writings are found in a sea letter which issues from a department where many clerks are employed; what if "*omissions*" or "*errors*" in such or other documents? I must observe, however, that the sea letter in question was submitted to the examination of the American consul, Mr. Saabye, and that he gave a formal certificate that the paper was genuine; which certificate

was submitted to the court by the claimant's counsel. As to the certificates of the French consul, the American captains must receive them as the consuls may please to give them, with whatever errors or absurdities they may contain. But it is worthy of particular observation that the objection made in this case to the French consul's certificate originated in the tribunal itself; the captor did not deem that certificate to be of any importance; no objection was taken to it in any of the prior proceedings; the counsel of the American captain, of course, had not any opportunity of defending his client on that head. We herein see an innovation on judicial proceedings, of a character entirely novel: the court placing itself in the situation of the accusing party, and condemning the property in litigation, on grounds not assumed by the captor. The only documents of real importance to be considered are, 1st. the register; is it or is it not a genuine document, proving the vessel to be the property of the persons therein named? 2d. the clearance; did the vessel or did it not come from New Orleans, as the captain pretends? 3d. the bills of lading and invoice; do they or do they not describe the cargo actually on board? These points satisfactorily established, what else can be wanting where the intention is to do justice to the captured, and to respect the neutral rights of the country to which he belongs? I can assure your excellency, in fine, that of all the decisions which have taken place since my arrival here, the one now in question is the most extraordinary; if, amongst all the just cases in which I have interfered, there was one which appeared to me to stand most clear from difficulties of all kinds, it was this of the Brutus, and I was still more gratified, in the confidence which I have indulged that the vessel would be acquitted; because it is the last remaining on the list of the captures which have occurred since my arrival here. What may be the merits of the captors, in the view of the king, I will not presume to conjecture; but I am sure that they cannot have any which can interfere with a due application of his majesty's just principles, or any, in relation to this case, which are not founded on misrepresentation. I must, therefore, earnestly request that your excellency will lay this representation before him, and I do confide that, when his majesty sees

what I have stated, and is pleased to consider the enclosed sentence of his tribunal, he will think proper to reverse it, and to order the restitution of the property thus condemned.

I have, the honour, &c.

GEORGE W. ERVING.

His Excellency Mr. de Rosenkrantz,  
First Minister of State, &c. &c.

### No. 8. B.

#### TRANSLATION FROM THE DANISH.

*Copy of the Sentence pronounced by the High Court of Admiralty in the Case No. 164* <sup>1811</sup>.

Captain John Fenno,  
*against*

J. T. Samuelson, and other Privateer Captains.

As captain Fenno's conduct during the detention, in endeavouring to escape the privateers, must render him suspicious, and therefore authorize the capture, so his later conduct affords a grounded reason for calling his neutrality into question.

Besides, in the very documents by which captain Fenno wants to prove the nationality of the vessel and the legality of the voyage, there are found such deficiencies, that the precepts contained in the prize act in this respect cannot be looked upon as being accomplished.

1. The sea-letter is not in the usual order; as partly it is not filled out, and partly an elucidation is wanting in several places respecting the domicil and burden of the vessel. The only place where the burden is mentioned is perceptibly added by the strange hand. Thus the sea-letter can only be considered as a blank, arranged per males artes for the use of this vessel.

2. The attest found on the certificate of the cargo under the name of the French consul, must be false. Though the French consuls might still, in the year 1811, have made use of the insignia of the French Republick, still it can no wise be admitted that words without meaning should have been inserted in their seals, which words are even put in a

reversed manner. Thus this seal must be counterfeited, by which no caution nor accuracy has been observed in order to imitate the true one. But if the seal be considered as false, it also follows from thence, that the same must hold good with respect to the attest, the genuineness of which the seal is to confirm, and from this it further results, in pursuance of the prize act, and his majesty's resolution communicated under the twenty-third October, 1810, to this high court, that such a false attest vitiates the authenticity of all the other documents even if they are in apparent order :

DECREED,

The ship Brutus, John Fenno, master, together with her cargo, litigated in this case, are hereby adjudged to Jens Tobias Samuelsen, and other privateer captains, as a good prize. The court charges of the prize court shall be paid out of the ship and cargo. For the rest the costs of the process are annulled.

The high court of admiralty, in Copenhagen, the 7th April, 1812.

WLEUGEL.

I certify the correctness of the copy.

N. TERBOL.

I certify that I have truly and faithfully translated the above from the Danish.

Witness my hand and seal of office, Copenhagen, the 8th of April, 1812.

[SEAL.]

N. HENRIQUES,  
Translator Royal.

No. 20.

EXTRACT from the list of vessels captured or detained in the year 1811. This extract being of those which were tried and released by sentences of the prize court in Copenhagen, from which the captors did not appeal; and showing the amount of costs, fines and taxes under the 2 per mille law, paid in virtue of said sentences.

<i>Vessels.</i>	<i>Captains.</i>	<i>2 per Mille.</i>	<i>Expenses of the Court.</i>	<i>Fines.</i>
		<i>Rix Dollars.</i>	<i>Rix Dollars.</i>	<i>Rix Dollars.</i>
Phoenix,	Freeman,	92	40	800
Swift,	Clarkson,	250	40	
Augustus,	Flint,	600	40	400
Dover,	Burrough,	118	40	30
William,	Goodwin,	92	40	30
Experiment,	Vibbert,	320	40	150
Swift,	Dagget,	160	40	
Zodiack,	Millar,	1,212	40	800
Egeria,	Law,	902	40	
George,	Howland,	320	40	
Sukey,	Osgood,	400	40	
Lion,	Jones,	1,412	40	1,000
Concordia,	Johnson,	2,000	40	
Packet,	Somes,	648	40	1,000
Jane Maria,	Moffatt,	36	40	600
Rover,	Groves,	392	40	600
Augustus,	Flint,	1,094	40	1,500
Horace,	Leach,	828	40	1,500
		<hr/>	<hr/>	<hr/>
		10,876	720	8,410

Amount of 2 per Mille, 10,876  
 Ditto Expenses, 720  
 Ditto Fines, 8,410

Total amount, 20,006 Rix Dollars.

N. B. The Danish rix dollar may be estimated, in this account, at an average of seven and a half, equal to one Spanish.

This extract does not contain the vessels released by the prize court in Norway, viz:

Høbe, Parson.  
 Pilot, Gower.  
 Industry, Cook.  
 Fame, Perry.  
 Comet, Dennis.

Nor the "*Rachel*," Mattenly, released at Aalborg.

Nor the "*Delaware*," Gill, and "*Dolphin*," Latham, which were released on the preliminary examinations. Nor the "*Herald*," Silsby, which was neither fined nor taxed, but received eight Spanish dollars for each day's detention, all costs paid by the captor.

EXTRACT from the lists of cases which were pending on the 30th May, 1811, and of those which occurred during the year 1811, subsequent to the 30th May. This extract containing all such cases as have been acquitted on appeals to the high court of admiralty in Copenhagen, and showing the amount of costs, fines and taxes under the 2 per mille law, decreed against them in the sentences of said high court.

<i>Vessels.</i>	<i>Captains.</i>	<i>2 per Mille.</i>	<i>Expenses of the Court.</i>	<i>Fines.</i>
		<i>Rix Dollars.</i>	<i>Rix Dollars.</i>	<i>Rix Dollars.</i>
Egeria,	Law,	550	40	1,000
Oscar,	Cunningham,	400	40	
Minerva,	Baker,	408	40	1,000
Pittsburgh,	Yardsley,	322	40	
Richmond,	Jarvis,	212	40	1,000
Amiable Matilda,	Hague,	332	40	
Nimrod,	Smith,	356	40	1,000
William & Jane,	Bunker,	760	40	2,000
Rachel,	Joseph,	548	40	
Washington,	Almy,	652	40	
Washington,	Brown,	246	40	2,000
John,	Raynolds	540	40	
Jeremiah,	Russell,	438	40	
Nancy,	Eveleth,	246	40	1,000
Joseph,	Allan,	352	40	
Maria Theresa,	Phelps,	156	40	700
Laura,	Lambert,	404	40	1,500
		<hr/> 6,922	<hr/> 680	<hr/> 12,200

Amount of 2 per Mille, 6,922

Ditto Expenses, 680

Ditto Fines, 12,200

**Total amount, 19,802 Rix Dollars.**

N. B. This extract does not contain the

"Ariel,"	Butler,	} decreed by virtue of decree of Sleswick Hol- stein chancery.
"Fair Trader,"	Craig,	
"Minerva Smyth,"	Mann,	

Nor the "Maryland," Peters; in which case sentence had not issued at the closing of this list.

Copenhagen, April 10, 1812.

GEORGE W. ERVING.

### No. 17.

*Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 12, 1812.*

SIR,—With my despatch, No. 10, was submitted to you a copy of the reclamation, dated Nov. 4, which I thought it my duty to make against the sentences of condemnation, passed by the Danish tribunals in the years 1809 and 1810 on American ships and cargoes. Mr. de Rosenkrantz was prevented at first by ill health, and afterwards for a long time by a pressure of various business (as I understood) from laying it before the king. In the mean time he continually discouraged any expectation that his majesty would accede to the propositions which it contains, persisting in his declaration to me on my first arrival here, that there was no remedy for the past. Finding that in the usual course of business it was necessary for the minister to inform himself fully and particularly as to the contents of the note, so as to submit it to the king by abstract only, I thought that I might at once expedite my object, and add to the probability of success in it, by having the note translated into the Danish language. I sent such a translation to the minister on the 22d January, requesting (by No. 1 of the enclosures) that the whole might be laid before the king: This was done on the 14th of February, and on the same day the minister addressed to me the note No. 2, relating to Danish claims on our government, to which I answered on the 17th February as by No. 3, and on the 9th inst. I finally received the minister's reply to my reclamation of Nov. 4, (No. 4 of the enclosures.)

All my former communications, sir, have prepared you for this result, and the most extraordinary delay of the

king in announcing it, though so far creditable to him in as much as it denotes the reluctance with which he has come to a conclusion, which he cannot conscientiously approve of, and which he has not found any admissible pleas to support or to countenance, yet has also afforded me the means of ascertaining that no favourable change of this determination is to be hoped for.

All the business which my appointment had in view being now completed, and as there is not, as far as I know, one American vessel actually under detention (by Danish capture) in any port of this kingdom, after answering the minister of state's note in suitable terms, I propose, pursuant to my instructions, to take leave and depart for Paris. I wrote yesterday to Mr. Barlow for passports, and as soon as they arrive, which may be about the commencement of next month, I shall be entirely ready to make use of them. In the mean time I send home with this and other despatches my secretary Mr. Lewis, whose fidelity, industry, and zeal in the publick service, I so entirely approve of, that I cannot but recommend him to your patronage and protection. Previous to my departure I propose, as I have before mentioned to you, to present Mr. Forbes in the quality of "Agent" to the minister of state and to the other departments of government here, and I doubt not but that if any of our vessels should hereafter be captured by Danish cruisers, he will be able to afford them every assistance of which their cases may be susceptible, and that his respectability of character, and his other qualifications, will procure due attention to his official representations. I hope also that on my return to Paris, I may be able to assist Mr. Barlow in obtaining a favourable adjustment of the questions which have arisen out of the French captures in this quarter.

It seems to be scarcely probable, even if we should not be at war with England, that any of our vessels which may have left the United States for Russia, will, if they touch at Gottenburg for information, proceed on their voyages; for either the emperor of France will occupy the Russian ports, or the emperor of Russia will submit to his terms; in either of which cases those ports will be rigorously closed against "colonial produce." If the emperor of Russia should successfully resist, then his country will be

inundated with whatever we can supply by the commerce of England. In this last case it is not to be supposed that the English will take any neutral vessels under their convoy: in the two former cases the neutral will not have any motive for joining convoy. On the other hand the French cruisers will certainly intercept every vessel not under convoy which may enter the Baltick with colonial produce; and it is equally certain that such cruisers will be sufficiently numerous; for independent of the privateers, properly French, the Danes have found so little encouragement for privateering during the last twelve months, that many of them are reduced to the necessity of seeking French commissions.

Mr. Lewis will carry with him the original of my despatch, No. 10, which encloses authentick copies of the sentences therein referred. In these, sir, you will notice more particularly the extraordinary principles and offensive doctrines on which the tribunals have founded their decisions, and in case our country should still continue in peace, government, having the whole matter before it, will be able to give our commerce such direction, and to place it under such regulations as may best comport with its future security.

With the most perfect respect, &c.

GEO. W. ERVING.

James Monroe, Esq. Secretary of State.

No. 1.

*Mr. Erving to Mr. de Rosenkrantz. Copenhagen, January 22, 1812.*

SIR,—I have the honour herewith to enclose a translation into the Danish language, of my note to your excellency of November 4th, and of the statement thereto annexed. These I have caused to be prepared with particular care, trusting that you will be pleased to lay them, in their entire form, before his majesty.

I cannot but take this occasion of renewing to your excellency the expression of my earnest desire that you would enable me to transmit to my government his majesty's resolutions on the subject, nor, of my anxiety that those

resolutions, marked by the enlightened and friendly policy which I have anticipated in my reports to my government, may correspond to the just expectations of the United States, and cement that harmony and good understanding between the two countries which ought always to subsist.

I have the honour, &c.

GEORGE W. ERVING.

To His Excellency, Mr. de Rosenkrantz,  
First Minister of State, &c.

No. 2.

TRANSLATION.

THE Danish brig *Henrick*, captain Scheel, departed for Cape Francois in 1799, was captured in the month of October of the said year by a French privateer, and recaptured a few days after by the United States' ship *Pickering*, which took her into the Island of St. Christopher's, where she was condemned on the ground of being recaptured, whereby the owner only obtained about one eighth part of the value of the vessel and cargo.

The American government ought to be held responsible for this measure, having by their instructions of the 12th March, 1799, authorized her armed vessels to recapture all prizes taken by French privateers. The sentence of condemnation pronounced, appears also to contain an inadmissible application of the American laws, which do not relate to the recapture of *neutral* vessels. The two accompanying printed documents prove, that Mr. Madison, then Secretary of State of the United States, recognised the validity of the claim, and recommended the interests of the claimant to Congress. The owner, however, having been frustrated in his attempts to obtain the compensation due to him, has been obliged to institute a suit against the officers who recaptured his vessel, of which he is still waiting the issue.

A similar claim was preferred by the owner of the ship *Mercator*, captured in 1800, by lieutenant Malay, commander of the United States' vessel, *Experiment*, afterwards taken by a British cruiser, which carried her to Jamaica, where she was declared a good prize.

It is shown by the annexed printed report, that damage to the amount of 33,864 dollars has been awarded to the owner in this case, but he has not yet been able to obtain payment.

In presenting these claims to the notice of Mr. Erving, the special minister of the United States of America, the undersigned minister of state, and chief of the department of foreign affairs, flatters himself, that he will lay them before his government, and endeavour to obtain for the parties interested, that indemnity, which the justice of their claims so evidently calls for ; but which the intervention of his majesty's charge des affaires, has not, to the present period, been able to accomplish.

The undersigned, in praying Mr. Erving to have the goodness to return to him the enclosures, avails himself of the opportunity of renewing the continued assurance of his high consideration.

N. ROSENKRANTZ.

Copenhagen, February 14, 1812.

No. 3.

*Mr. Erving to Mr. de Rosenkrantz. Copenhagen, Feb. 17, 1812.*

SIR,—I have received your excellency's note of the 14th inst. relating to two claims of Danish subjects on the government of the United States. I am uninstructed as to those claims otherwise than by that note, and by the documents which it enclosed. In these I perceive with great satisfaction, that during a war of two years between the United States and France, at a time when the Danish commerce was in activity, and the western ocean was covered with American cruisers, the causes of complaint afforded to this country were confined to these cases, one of them a mere question as to the amount of salvage exacted on a recapture, and both of them grounded on the errors or misintelligence of officers employed on foreign stations ; that these reclamations do not involve any misconduct of American tribunals, any violation of publick law, any offence of neutral rights, or any bad faith or unfriendly disposition in the government of the United States ;

but on the contrary that in every stage of the claims, a love of justice, a respect for neutral rights, and a frank, generous, and friendly character towards Deamark has been continually manifested by that government; and finally, that complete satisfaction to the claimants has hitherto been delayed by causes which though beyond the control of the Executive, do not forbid the expectation of redress.

I shall have the honour to submit to my government a copy of your excellency's note adding whatever may be proper on my part to promote the object of it.

I renew, &c.

GEO. W. ERVING.

To His Excellency, Mr. de Rosenkrantz,  
First Minister of State, &c.

I return herewith the printed papers which were enclosed in your excellency's note.

#### NOTE No. 4.

#### TRANSLATION.

*Copenhagen, April 9, 1812.*

THE undersigned, minister of state of the department of foreign affairs, having laid before his majesty the note which Mr. Erving, the special minister of the United States of America, addressed to him the 4th of November last year, the principal object of which was to claim the revision of several sentences definitively pronounced by the supreme tribunals of admiralty, which the special minister considers ill founded, and in opposition to the principles he maintains ought to serve as a basis to the proceedings on prizes and rules for the judges, authorized to pronounce between the captors commissioned by the Danish government, and the captains and owners whose vessels have been captured under the flag of the United States, is authorized by the orders of his majesty, to make known to Mr. Erving, special minister of the United States, that the king's very particular sentiments of friendship for the United States, and his esteem for the President, can-

not influence him to permit a revision of the sentences pronounced, terminating the causes arising from captures made by the cruisers under the flag of the state.

The principles which have formed the basis of the privateer regulations, and which have not been lost sight of in giving the instructions to the tribunals charged to examine in matter of prizes, are the same as those generally received, and according to which the Danish tribunals of the admiralty judge, and decide on the captures of vessels under other flags than that of the United States.

The special minister will be pleased to find in this assertion, which is founded on the facts he may have made himself acquainted with since his residence here, that the American flag has on all occasions been treated in the maritime tribunals, conformably to the rules established, precisely in the same manner as the neutral flags of Europe.

The undersigned is moreover authorized to observe to Mr. Erving, special minister of the United States, that if permission were given to the captured, who have pleaded before the tribunals which have decided by a definitive sentence between the parties, to make in their favour revision of the causes terminated, the same indulgence should be given to the captors, who might complain of the sentences pronounced against them, and that in this manner the causes arising from prizes would experience indefinite delays, as prejudicial to the captured as to the captors.

The undersigned, in expressing to Mr. Erving his regret at not being able to grant what the special minister proposed to him, has the honour to renew to him the assurance of his high consideration.

ROSENKRANTZ.

No. 19.

*Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 17, 1812.*

SIR,—I have the honour herewith to enclose the reply of Mr. de Rosenkrantz to the last reclamation which

I presented to him in the case of the "Brutus," copy of which was transmitted with my despatch, No. 16.

With the most perfect respect, &c.

GEORGE W. ERVING,

TRANSLATION.

*Copenhagen, April 16, 1812.*

THE undersigned minister of state, and chief of the department of foreign affairs, has not failed to attend to the reclamations which Mr. Erving, the special minister of the United States of America, made to him under date of the 23d September, 23d November, and 13th December of the last year in favour of the different American vessels, and specially in that of the Brutus, Fenno, master, captured and brought into a port of Norway.

It is known to Mr. Erving, that the causes of the vessels mentioned in the list of the 13th December, have all been decided in favour of the captured, with the exception of the Maryland, now waiting a decision, and of the Brutus, which, as well as the others have been reported to the king.

It is with regret that the undersigned, is obliged to inform the special minister, that his majesty, after having examined into this affair, has thought proper to leave to the supreme tribunal of the admiralty the pronouncing of the sentence, conformably to the principles and instructions prescribed to this tribunal by the regulations concerning privateers, and the ordinances regulating the proceedings before the supreme tribunal, and that this tribunal considers itself authorized to condemn both vessel and cargo for the reasons expressed in the sentence.

The decision of the king having been acted upon before the note of Mr. Erving, under date of the 10th instant, reached the undersigned, as the special minister will see, by the date of the annexed copy of sentence, he has not been able to make use of the reiterated reclamations of Mr. Erving.

The undersigned flatters himself to be able shortly to inform the special minister, that the cause of the ship Maryland has been decided favourably.

He has the honour to renew to him the assurance of his high consideration.

ROSENKRANTZ.

No. 20.

*Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 18, 1812.*

SIR,—I have the honour herewith to enclose copy of what I propose to send to Mr. de Rosenkrantz, in reply to his note of the 9th instant.

With the most perfect respect and consideration, &c.  
GEO. W. ERVING.

P. S. I shall leave with Mr. Forbes the *documents* belonging to the claims here, and the claimants' letters; but I think it most proper upon the whole to transmit to you the original notes of Mr. de Rosenkrantz, and they are therefore herewith enclosed.

G. W. E.

*Mr. Erving to Mr. de Rosenkrantz. Copenhagen, April 18, 1812.*

THE undersigned, special minister of the United States of America, has had the honour to receive the note which his excellency Mr. de Rosenkrantz, first minister of state, and chief of the department for foreign affairs, addressed to him on the 9th instant, by order of his sovereign, in reply to the reclamation made by the undersigned, on the 4th November, 1811, against certain sentences of Danish tribunals, passed in preceding years, on vessels and cargoes the property of American citizens.

It appears that his majesty has not thought proper to authorize the minister of state to enter into discussion with the undersigned upon any of the various subjects which that reclamation embraces; to contest or to acquiesce in any of the doctrines upon which it is basis'd; to offer any kind of satisfaction for any of the various injuries which it complains of, or to propose any correction

of the abuses and malversations which it points out as the sources of those injuries.

It is, therefore, the duty of the undersigned formally to declare, that the government of the United States cannot rest satisfied with such a mode of treating rights which it holds sacred, and will never sacrifice, and with such a rejection of the just claims of its injured citizens which it will never cease to assert and to protect.

The President will certainly receive with satisfaction the sentiments of particular friendship towards the United States, and of esteem for himself, which his Danish majesty has been pleased to profess; sentiments which he will readily reciprocate. Such sentiments he was eager and sincere in advancing; but he will, at the same time, receive with surprise as well as with peculiar concern, the declaration with which these professions are accompanied, refusing a reparation for the wrongs which he has complained of; wrongs which, unredressed, cannot but be considered as being but little in accord with such sentiments.

These, his impressions, must be rendered still more forcible by the recollection that a suitable redress for similar wrongs has never been altogether withheld by any of the belligerent powers with which the United States have occasionally found themselves in collision; but, on the contrary, that each of the chief belligerents has, heretofore, furnished a signal example wherein the firm and temperate voice of justice has prevailed over an erroneous policy; each has attended to, and respected, the remonstrances of the United States, satisfied their demands, and amply compensated the losses which the temporary adoption of false principles, or the misconstruction or malapplication of acknowledged principles, had brought upon their citizens; thus recognising the sovereignty of just laws and the indefectibility of the neutral rights which spring from them: nor can the President be now reconciled to any infringement of these, to the cruising regulations of Denmark in those points which may offend them, or to the decisions of any tribunals, in as far as they may have the same tendency, by the only apology which his majesty has authorized the minister of state to offer for the wrongs complained of, viz. that these regu-

lations and these decisions are founded upon the same principles which direct the conduct of Denmark towards neutral European powers, and that in cases wherein those powers have been thereby affected, no revision or retrospect has taken place: for, without entering into the inquiry whether there does or does not exist an European power neutral with regard to Denmark, and with which she can possibly come into collision on such subjects, without pointing out the difference between the neutral position of the United States and that of any European power, or examining in any degree the conduct of Denmark towards the European powers, neutral or otherwise, it is sufficient to observe that the United States have not made common cause with any other neutral power; they have not bound up their fate with, nor do they mean to submit their rights to the arbitration of, or to pare them down so as to suit the convenience of any power whatever, these rights are clear, pronounced, and unequivocal: they are found in the great code of publick law. If other powers have not the same interest in defending; if they find it convenient to relinquish, or, for any other reasons whatever cease to assert such rights, no obligation to abandon them is thereby imposed on America; but to the contrary, standing alone amidst the great struggle of nations, her obligation to protect that sacred deposit is strengthened, and she becomes doubly responsible to posterity for this great inheritance; since she is not deficient in the power and means of preserving it.

His excellency, the minister of state, seems to suppose that the principal object of the undersigned is to obtain the "*revision*" of the sentences of the tribunal specified in his note of Nov. 4th. It is proper, therefore, to consider this part of the subject, though he must premise by observing, and he begs his excellency to understand, that the object of that note, which embraced various subjects of complaint, was to obtain satisfaction and compensation, leaving the "*mode*" and the "*means*" to be adjusted by mutual accord; for, he is entirely unwilling to rest the claims of the United States, or to make them in any wise dependent on an abstract discussion as to the course which may be taken to produce the satisfaction required.

The undersigned, in his note of November 4th, has shown, as he trusts, most clearly and indisputably, that the rights of the United States, as a neutral nation, have been violated by the decisions therein referred to; if not, he has invited the minister of state to discuss the principles on which his reclamation is founded. Can it be deemed to be a satisfactory answer to such a reclamation, that other nations have submitted to similar decisions? Can it be imagined that the term "definitive," as applied to such decisions, is conclusive against the United States? Can it be expected that they will acquiesce in a decision as *just*, because it is termed "definitive?" The constitution, the faculties, and the police of admiralty tribunals in this as in every other country are formed by and depend on the will of the sovereign, and he is strictly responsible to foreign nations, in all cases affecting their rights, for a correct administration of justice on the principles of public law, which forms the basis of those rights. No foreign nation submits its cause to the arbitrary or capricious decision of such tribunals, or respects their decisions in any degree further than as these may be found to conform to its own sense of its own rights. The tribunal is the mere instrument of the sovereign with which he operates, and it is his duty so to direct and use it, that it may not do injury to the rights of others. The foreign nation, therefore, looks with reason to the tribunal only as indicative of the temper of the sovereign by whom it is appointed, and under whose authority it acts, and not as to the arbitrator of its own destiny. When a foreign government complains of the conduct of such tribunals, it calls upon the good faith of the sovereign to repair the wrong which he ought to have restrained. Shall it be competent to the sovereign to refer the offended party for satisfaction to the very cause of complaint? What is this but to adopt the injustice complained of? Since when has it been agreed that the belligerents shall give law to neutral nations? Does the "ancient faith," which in peace augmenting confidence, removed the probabilities of war, and in war mitigated its horrors, does it no longer subsist? Or in a merely political calculation does it not occur that the belligerent may hereafter become neutral? However these questions may be answer-

ed, it is certain that there is a self-conserving principle in truth and right which ensures their vindication, so that a nation may be said to be deceiving itself when it refuses what is due to the just demands of others.

His excellency the minister of state has been instructed to observe, that if his majesty could consent to a revision of the sentences of his tribunals in favour of those whose property has been condemned, he ought to extend such revision to the sentences by which captured property has been acquitted.

The undersigned takes the liberty of remarking that the reclamation which he has made, is the reclamation of the American government against certain sentences of condemnation passed on American property by tribunals appointed by his Danish majesty, and acting under his authority. The American government finds itself aggrieved by such decisions. Is his majesty dissatisfied with the decisions of a contrary character, by which American property has been acquitted? Certainly not: Yet only upon that ground could his majesty desire a revision of the sentences of acquittal; for no question now exists between the captor and the captured: the question is between government and government: nor is it readily to be conceived that tribunals whose decisions the government of the United States has found such ample and solid reasons to complain of, can in other cases have done injustice to his majesty's subjects. It is because the tribunals have been partial to his majesty's subjects, because they are not courts of arbitration in which the United States has its equal representation, and hence have acted on principles the justice of which the United States does not acknowledge, that a revision of their sentences against the property of American citizens may be reasonably proposed by the American government, and may be acceded to by his majesty, without this plan contemplating any injury to his subjects. These are the grounds on which similar revisions have been demanded in other countries, and have been granted, and compensation obtained without its ever having been proposed that sentences of acquittal, which have only tended to diminish the amount of the injuries complained of, should be also revised.

The undersigned cannot therefore but hope that his Danish majesty on a reconsideration of this important subject, will see fit to adopt some plan with respect to the matters complained of, which may satisfy the just expectations of the United States. He has thought that it best comported with the friendly and conciliatory dispositions of his government, not to propose any which should interfere with such arrangements as having due regard to the object it might be most convenient to his majesty to make, and therefore in his note of November 4th, stated, what he will here repeat—"that the mode, the means, and to a certain extent even the time may be subjected to considerations of mutual convenience and accord." He requests that the minister of state will be pleased to lay this note entire before his majesty.

He renews to his excellency, the minister of state, assurances of his distinguished consideration.

GEORGE W. ERVING.

His Excellency Mr. de Rosenkrantz, First  
Minister of State, and Chief of the  
Department of Foreign Affairs, &c.

No. 21.

*Mr. Erving to Mr. Monroe, Secretary of State. Copenhagen, April 20, 1812.*

SIR,—With my despatch No. 8, (of September 8) I had the honour to submit to you copies of my correspondence with Mr. Desaugiers, then charge des affaires of France, which I had previously laid before the minister of state here, and which was also transmitted by Mr. Desaugiers to his government. In my notes to Mr. Desaugiers were particularized the various excesses of the French corsairs in these waters, which appeared to me contrary to the spirit and intention of that government, as well as injurious to our commerce. It is with great satisfaction that I now transmit to you the new instructions which Mr. Desaugiers has been ordered to give to the captains of the corsairs.

With the most perfect respect and consideration, &c.

GEORGE W. ERVING.

## No. 22.

*Extract of a Letter from Mr. Erving to Mr. Monrot,  
Secretary of State. Copenhagen, May 9, 1812.*

"I HAVE the honour herewith to transmit to you duplicate of my letter No. 20, (by Mr. Lewis) dated April 18th. The note of the same date to which it refers, with the few alterations which will be found in this duplicate, was sent to Mr. de Rosenkrantz on the 21st, and was laid by him before the king on the 1st instant. In the meantime I had several conversations with that minister upon the subject of it, in which I did not fail to urge whatever might contribute to a favourable answer on the part of his majesty. Finally, on the 8th instant, (yesterday) he sent to me the note of which the enclosed is a copy. You will observe, sir, the new position which our claims assume under this communication, and the reasonable expectation which it affords of a settlement hereafter. I have endeavoured to have this point placed in a more formal and explicit shape."

## TRANSLATION.

*Mr. de Rosenkrantz to Mr. Erving.*

THE undersigned, minister of state and of foreign affairs, has had to explain to Mr. Erving, special minister of the United States of America, in his note of the 9th of last month, the motives which have influenced the king his master not to grant the revision of the sentences of his supreme tribunal of admiralty definitively, terminating the causes brought before this tribunal, arising from the captures made by Danish cruisers, of vessels sailing under the flag of the United States, and that for this reason he could not persuade himself that the ulterior representations which the special minister had thought proper still to address him could produce any change in the determination of his majesty. The minister of foreign relations has however prevailed on the king his master to be pleased to examine the note which Mr. Erving addressed to him under date of the 18th of last month, reiterating

the claim to redress for the wrongs previously recited, and satisfaction for which he considers it his duty still to insist upon.

The undersigned hastens to have the honour to inform the special minister that it has been enjoined on him by his sovereign to answer the above mentioned note of the special minister by referring to the contents of his preceding note of the 9th, as to the friendly dispositions of his majesty towards the government of the United States, to add the expressions of his extreme regret that he cannot agree to the opinion expressed by Mr. Erving as being that of his government, in regard to the conduct observed towards vessels under American flags, brought into the ports of his dominion by his armed vessels or by those provided with letters of marque.

The war in which the Danish nation is engaged with Great Britain, who employs every means to conceal from observation the enterprises of its merchants, in making use of foreign flags; and merchants have caused those measures, the object of which is to preclude English commerce from the advantage growing out of the disposition it has always found in the merchants of other nations, to become the agents of prohibited trade; it is too well known to Mr. Erving, and it ought to be to his government, that American merchants and mariners have frequently lent themselves to enterprises of this nature, for the Danish government to consider it necessary to multiply the proofs which it has on this subject.

It is known to the Danish government that the United States do not pretend either to approve or defend the conduct of American citizens, who, from the thirst of gain, are engaged in enterprises which expose them to loss, if the fraud is discovered: proofs are not wanting to show that they have frequently succeeded in imposing both on the officers empowered to examine captured vessels, and on the tribunals of prizes. The subterfuges to which they resort to prevent the discovery of the enemy character of the expedition have necessarily induced those intrusted by the king with the examination, as well as the tribunal, to redouble their activity, in order to fulfil the views of his majesty; but it never has been conformable with these

to suffer that any injury should be sustained by the mariners and merchants of friendly nations who carry on a licit and unsuspecting commerce.

The persevering struggle of the Danish government in favour of the principles upon which repose the liberty of the commerce and navigation of neutral nations, forbids the supposition that it would wish to derogate from them; but it has a complete right to tear the mask from the commerce of its enemy who recognises no law in regard to navigation, as soon as neutral powers are in question. The king will not renounce the exercise of this right. If his majesty could be persuaded that in particular cases it should happen that appearances might have prevailed in the examination of some causes to the detriment of some American citizens, who might not have been able to demonstrate sufficiently that their enterprises of commerce were legitimate, he would assuredly be led to redress just complaints, as he has on several particular occasions given proofs of his favourable dispositions towards the American vessels which circumstances have conducted to the ports of his kingdom.

The king wishes, therefore, to give, himself, proofs to the government of the United States of the sentiments of justice with which he is animated.

The undersigned flatters himself that the President of the United States will be easily persuaded that during so hard a contest as that which Denmark now sustains against the government who so evidently disavows the rights of nations engaged in navigation, the moment is not favourable to bring anew under consideration the reclamations which the government of the United States may find it convenient to make at that period in relation to the objects in discussion.

The undersigned has the honour to renew to the special minister the assurance of his high consideration.

ROSENKRANTZ.

Copenhagen, May 8, 1812.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. NOV. 12, 1812.

FOR the further information of Congress relative to the pacifick advances made on the part of this government, to that of Great Britain, and the manner in which they have been met by the latter, I transmit the sequel of the communications on that subject, received from the late charge d'affaires at London.

JAMES MADISON.

*Mr. Russell to Mr. Monroe. London, Sept. 12, 1812.*

SIR,—On the 12th instant I received your letter of July last, and the copies of my note to lord Castlereagh and of his lordship's reply, enclosed herein, will inform you that the propositions made in consequence of it have been rejected.

As I have but this moment heard of the immediate departure of the Friends, I have time only to add that I have received the communications of Mr. Graham of the 9th and 10th of August, by the Gleaner, and that I leave London this evening to embark on board the Lark, at Plymouth, for New York.

I am, sir, &c.

JONA. RUSSELL.

An interesting interview took place between lord Castlereagh and myself on the 16th instant; the account of which I must, for want of time, reserve until I have the honour to see you.

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street, September 12, 1812.*

(Private.)

MY LORD,—In consequence of additional instructions which I received from my government this morning, I

called about noon at the foreign office and found with regret that your lordship was out of town. My object was to communicate to your lordship the powers under which I act, that you might perceive their validity and extent. I have, however, sought to state them substantially, in the official letter which I have herewith the honour to transmit to your lordship; but should you find any thing that stands in need of explanation, previous to being submitted to his royal highness, I shall remain at 18, Bentinck Street, to receive the commands of your lordship. If your lordship could, in courtesy, find any motive in my personal convenience to hasten a decision upon the propositions which I have submitted, the season of the year, my anxiety to depart (all my arrangements being made, all my luggage having left town) and the detention of the Lark at much expense, will plead powerfully in my favour.

I have the honour, &c.

JONA. RUSSELL.

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street, September 12, 1812.*

MY LORD,—I hasten, authorized by instruction, recently received from the government of the United States, and urged by an unfeigned anxiety to arrest the calamities of war, to propose to your lordship a convention for the suspension of hostilities, to take effect at such time as may be mutually agreed upon; and stipulating that each party shall forthwith appoint commissioners with full power to form a treaty, which shall provide, by reciprocal arrangements, for the security of their seamen from being taken or employed in the service of the other power, for the regulation of their commerce and all other interesting questions now depending between them, and that the armistice shall not cease without such previous notice by one to the other party, as may be agreed upon, and shall not be understood as having any other effect than merely to suspend military operations by land and by sea.

In proposing to your lordship these terms for a suspension of hostilities, I am instructed to come to a clear and

Your lordship is aware that the power of the government of the United States to prohibit the employment of British seamen must be exercised in the sense and spirit of the constitution ; but there is no reason to doubt but that it will be so exercised effectually, and with good faith.

By the proposition which I have now the honour to make in behalf of my government, your lordship will perceive the earnest desire of the President to remove every obstacle to an accommodation, which consists merely of form, and to secure the rights and interests of the United States in a manner the most satisfactory and honourable to Great Britain as well as to America.

I have the honour to be, &c. &c. &c.

**JONA. RUSSELL.**

**DEAR SIR,—**I have not seen lord Castlereagh since his receipt of your two letters of the                      but have received his directions to say to you, that he is concerned

that he cannot have it in his power to reply to them for a few days ; or would have had much pleasure in attending immediately to your request in that respect. You may be assured that no delay will take place, which can be avoided.

I am, dear sir, faithfully yours.

WM. HAMILTON.

Jonathan Russell, Esq. &c. &c.

*Mr. Russell to Mr. Hamilton. No. 18, Bentinck Street, September 16, 1812.*

DEAR SIR,—I have learnt with much regret and disappointment, that lord Castlereagh has directed you to inform me, that it is not in his power to give an immediate answer to the last letters, which I have had the honour to address to him. The object of those letters was of a nature to require an early decision. Reluctant, however, by any precipitancy on my part to protract the present unhappy relations between the two countries, I beg you to acquaint his lordship, that I shall remain in town until Sunday, (the 20th instant,) when, unless some special and satisfactory reason be assigned for a longer delay, I shall consider it to be my duty to proceed to Plymouth to embark for the United States.

JONA. RUSSELL.

William Hamilton, Esq. &c. &c.

N. B. Sent at 3 o'clock.

LORD CASTLEREAGH presents his compliments to Mr. Russell, and requests to have the honour of seeing him at his house in St. James' square, at nine o'clock this evening.

Foreign Office, September 16, 1812.

N. B. Received a little before 5 o'clock.

*Lord Castlereagh to Mr. Russell. Foreign Office, Sept.  
18, 1817.*

SIR,—Under the explanations you have afforded me, of the nature of the instructions which you have received from your government, I have, as on the preceding occasion, been induced to lay your letter of the 12th instant, before his royal highness the prince regent.

His royal highness commands me to express to you his regret, that he cannot perceive any substantial difference between the proposition for a suspension of hostilities, which you are now directed to make, and that which was contained in your letter of the 24th of August last. The form of the proposed arrangement, it is true, is different; but it only appears to aim at executing the same purpose, in a more covert, and therefore, in a more objectionable manner.

You are now directed to requise, as preliminary to a suspension of hostilities, a clear and distinct understanding, without, however, requiring it to be formal on all the points referred to in your former proposition; it is obvious, that were this proposal acceded to, the discussion on the several points must substantially precede the understanding required.

This course of proceeding, as bearing on the face of it a character of disguise, is not only felt to be in principle inadmissible, but as unlikely to lead in practice to any advantageous result, as it does not appear on the important subject of impressment, that you are either authorized to propose any specifick plan, with reference to which the suspension of that practice could be made a subject of deliberation, or that you have received any instructions for the guidance of your conduct on some of the leading principles, which such a discussion must in the first instance involve.

Under these circumstances the prince regent sincerely laments, that he does not feel himself enabled to depart from the decision, which I was directed to convey to you in my letter of the 2d instant.

I have the honour, &c.

CASTLEREAGH.

Jona. Russell, Esq. &c. &c. &c.

*Mr. Russell to Mr. Monroe. London, September 19, 1812.*

SIR,—Since writing you this morning, fearing that this government should infer from my silence, an acquiescence in the strange and unwarrantable view which lord Castlereagh has in his last note thought fit to take of the overtures which I have submitted, and of the powers under which I acted, I have considered it my duty to return an answer, of which the enclosed is a copy.

With great consideration and respect, I am, sir, &c.

JONA. RUSSELL.

Hon. James Monroe, &c. &c.

*Mr. Russell to Lord Castlereagh. London, September 19, 1812.*

MY LORD,—I had the honour to receive last evening your lordship's note of yesterday, and have learnt with great regret and disappointment, that his royal highness the prince regent has again rejected the just and moderate propositions for a suspension of hostilities, which I have been instructed to present on the part of my government.

After the verbal explanations which I had the honour to afford your lordship on the 16th instant, both as to the object and sufficiency of my instructions, I did not expect to hear repeated any objections on these points. For itself, the American government has nothing to disguise, and by varying the proposition as to the manner of coming to a preliminary understanding, it merely intended to leave to the British government, that which might be most congenial to its feelings. The propositions presented by me, however, on the 24th August, and 12th instant, are distinguishable by a diversity in the substance, as well as in the mode of the object which they embraced; as by the former, the discontinuance of the practice of impressment was to be immediate, and to precede the prohibitory law of the United States, relative to the employment of British seamen; when by the latter both these measures are deferred to take effect simultaneously hereafter. Having made

a precise tender of such law, and exhibited the instructions which warranted it to your lordship, I have learnt with surprise, that it does not appear to your lordship, that I am authorized to propose any specifick plan on the subject of impressment. I still hope that the overtures made by me, may again be taken into consideration by his Britannick majesty's government, and as I leave town this afternoon for the United States, that it will authorize some agent to proceed thither, and adopt them as a basis for reconciliation between the two countries, an event so devoutly to be wished.

I have the honour to be, &c.

JONA. RUSSELL.

*Mr. Russell to Mr. Monroe. On board the Lark, Nov. 7, 1812.*

(Private.)

SIR,—I have the honour to inform you that I am now passing the Narrows, and expect to land at New York this day. I conceive it to be my duty to repair to the seat of government, and shall set off as soon as I can obtain my baggage. In the mean time I am sorry to inform you that the second proposition for an armistice was rejected like the first, and a vigorous prosecution of the war appears to be the only honourable alternative left to us.

I have the honour to be, &c.

• JONA. RUSSELL.

Hon. James Monroe, &c. &c. &c.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. NOV. 17, 1812.

I TRANSMIT to Congress copies of a letter from the consul general of the United States to Algiers, stating the circumstances preceding and attending his departure from that regency.

JAMES MADISON.

*Extract of a Letter from Mr. Lear, Consul General at Algiers, to the Secretary of State, On board the American ship Allegany, at sea, July 29, 1812.*

"On the 17th inst. I had the honour to receive your respected favours of the 6th February and 29th of April, 1812, by captain Ebenezer Eveleth, of the ship Allegany, which arrived at Algiers on that day, with the four new Mediterranean passports, two hundred tops, and the several packages containing messages, reports, newspapers, &c. together with the letter of Richard Forrest, Esq. covering the invoice and bill of lading of the ship Allegany, sent from the United States with a cargo of naval and military stores for the regency of Algiers, in fulfilment of treaty stipulations.

"I must delay replying to the particular points in your letter of the 29th April, until I shall have given an account of the most unexpected and extraordinary event which I believe has ever taken place, even in the extraordinary events of Algiers, in order that I may have it ready to transmit, in case I should meet any vessel bound to the United States.

"On the arrival of the Allegany, the dey and the officers of the regency expressed the most entire and complete satisfaction; and until the 20th inst. when they began to discharge the cargo, there was no appearance of any other sentiment. On that day a large quantity of spars and plank were taken on board a lighter, by the people of the marine, to be carried on shore, by order of the minister of marine, but they were not landed. At noon the minister sent to request a note of the articles, and their quantity, which were on board the ship for the regency, that he might lay it before the dey in the evening, agreeably to his orders. I accordingly sent the note, taken from the invoice, but without affixing the prices. At 6 P. M. I received a message by my drogerman, from the minister of marine, informing me that when he laid my note of the articles before the dey, he became very outrageous on finding there was only fifty small barrels of gunpowder and four cables on board; when the note sent to the United States in 1810, as furnished by the minister of marine,

demanded five hundred quintals of gunpowder, and twenty-seven large cables, besides a very large quantity of cordage and other articles, as may be seen by said note, forwarded in my letter of August, 1810, to the honourable the Secretary of State; and told the minister that he would not receive the cargo, but would send the ship away from Algiers, and that I must depart in her, as he would not have a consul in his regency, who did not cause every thing to be brought exactly as he (the dey) ordered.

"Early on the morning of the 21st, I waited on the minister of the marine to inquire into this procedure, when he confirmed all that had been told me by the drogerman, and added many other expressions of anger and disgust of the dey.

"I reasoned with him on the subject, stating that it had never been usual to send the whole of such large orders at one time; that we had been very punctual in our payments, and that the cargo of this vessel would probably pay all that we owed; that cargoes had always come in this manner, assorted, with a part of each article, and that I had never before found any difficulty; that powder and cables were articles of which we did not make enough for our own use in the United States, and that it was almost impracticable, at this time, to bring them from other countries, as was well known to himself and all the world; that in the present distracted state of nations, it was possible that the United States might be forced into a war, and that it behooved our government not to be destitute of so essential an article of defence as gunpowder; but that on a future occasion we might be able to send more; with many other remarks, which he allowed to be reasonable, but said that the dey was determined; and that when he had once fixed a resolution he never departed from it. And added, that the dey insisted upon having every thing brought which he ordered, *without regarding whether it amounted to more than the sum stipulated in the treaty or not*; and that I must depart on Thursday the 23d instant, on board the Allegany, with all the Americans now in Algiers.

"I wished to see the dey, and for that purpose desired an audience, which was denied me.

"I then requested that a few more days might be allowed for my remaining, that I might prepare myself, as it was impossible to make any arrangement of my affairs in so short a time, hoping in the mean time, to make some accommodation of this business. The answer was that the dey would not allow an hour more.

"I wrote a circular to the christian consuls in Algiers, informing them of my ordered departure.

"The spars and plank which were taken out of the vessel yesterday, were returned on board this morning. In the morning of the 22d, I sent my drogerman to the palace to say that I wished to make a settlement of the cargo of the brig Paul Hamilton which had been delayed, by a request from the palace until the Allegany should arrive, when a settlement could be made for both vessels at the same time.

"The request was granted, and the drogerman informed me that the dey wished me to bring our treaty with me, that we might see the time when it commenced, the terms, &c. in order to make a final settlement of our accounts. This I did, and while I was settling the account of the Paul Hamilton's cargo with the prime minister and secretaries, in the usual manner, the dey's drogerman came down, and said, the dey wished to see the treaty which I had brought. I gave it to him without hesitation, supposing that the dey might wish to see something in it, or that he might compare it with that which was in the palace. But when I demanded the treaty again, the dey refused to deliver it, saying, by his drogerman, that when a consul was sent away, he the dey should always keep his treaty, and that such had ever been the custom at Algiers.

"After settling the account of the cargo of the Paul Hamilton, which amounted to \$12,109, and producing a tiscary or acknowledgment of a balance due to the United States, which had been given in February, 1810, at the settlement of the cargoes of the ship Resource and brig Blanchy, for \$26,065; the minister and secretaries said there was still \$27,000 due to the present time. This I denied, as I had the receipts of the regency for the payment of annuities for fourteen and a half years, exclusive of the amount of the cargo of the Paul Hamilton and the

tiscary, for \$26,065, and as our treaty was concluded on the 5th of September, 1795, it would be only seventeen years in the whole, from which the fourteen and a half years were to be deducted, leaving two and a half years ending the 5th of September next, and amounting to \$54,000, from which deducting the cargo of the Paul Hamilton, and the tiscary before mentioned, would leave but \$15,826, and which I had no doubt but the cargo of the ship Allegany would fully pay, if it should be received.

"The minister then observed, that they counted the year by the Mahometan calendar consisting of three hundred and fifty-four days, so that the difference in seventeen years would make it one half year more than we counted. I told him that I had always reckoned the years in the christian manner of three hundred and sixty-five days; and that I presumed the same was done by all other consuls having accounts of a similar nature with the regency. He said it was never so done, or allowed by the regency, and immediately sent up a note to the dey, of the sum due by his account, viz: \$27,000.

"After a short time the dey sent down word by his drogerman, that the balance must be paid *immediately in cash*, and that the vessel, with myself, &c. must depart tomorrow as he had ordered. I answered that it was impossible for me to comply with the dey's order, even if I acknowledged the balance to be just, and had every disposition to pay it, as I had not the means of obtaining the money, especially as the cargo of the ship now in port was sent by my government for the express purpose of paying what might be due to the regency, and was the strongest possible evidence of our punctuality in fulfilling our engagements.

"The prime minister then went up to the dey, with the drogerman, and soon returned, saying that the dey persisted in his first order, that the money should be paid *immediately*; or that I should be sent to the marine in chains, the vessel and cargo confiscated, and all the citizens of the United States now in Algiers be detained in slavery, and *war* instantly declared against the United States.

"I told the minister that the matter was now brought to a decision, and that I must go to the marine in chains, for

it was not *possible* for me to obtain the money ; and had no more to say on the subject, but would warn them of the evil which they were bringing on themselves, by such unjust and outrageous conduct.

“ The minister went to the dey a second time, when I demanded to accompany him ; but was refused, and soon returned with what he said was the fixed and unalterable resolution of the dey, viz. that he would allow me till Saturday morning the 25th inst. to pay the money and depart with the vessel and all other Americans in Algiers ; but if this was not done, he should confiscate the vessel, detain in slavery all the Americans in Algiers, and declare war against the United States as he had before determined. The minister also added, that the dey had been informed that the ship had brought a large quantity of coffee, for sale, and some other articles not intended for him (meaning, I suppose, the gun barrels, &c. for the emperor of Morocco ; but whence he could have got the information of the latter, I know not, for I had never mentioned a syllable of it to any one in Algiers. I have since learned that it was discovered by some means or other, when the planks and spars were taken out of the vessel on Monday ;) and that he was, if possible, more highly incensed at this, than on any other account ; saying that he considered it an insult offered, by having merchandise embarked on board a vessel which was said to have been sent for the sole purpose of bringing the annuity.

“ As I was determined that nothing should be wanting on my part to settle this unpleasant, and to me, unaccountable business, I proposed to the prime minister, that the articles now sent by the Allegany should be received and passed to our credit, in the usual manner of settling the accounts of cargoes, when they had the power of fixing their own prices, and that whatever balance might appear due, after such settlement, should be paid in cash if the dey desired it ; and that he might send a note of such articles as he expected for the next annuity, which I would forward to my government, with such observations on the propriety or necessity of sending the whole of them, as the dey should express. By this means, if the proposition should be accepted, time would be given to make preparations for future events, or at any rate our commerce in this sea might have

been secured by giving timely notice, and putting our vessels on their guard. But the dey refused to listen to it, and repeated his first orders.

"On leaving the palace I reflected upon the very critical and alarming situation of our affairs with the regency, which was not only brought on in the most unexpected manner, but without any reasonable or justifiable cause of complaint on the part of the dey. It appeared to me that he was determined to take a measure which I had for some time past apprehended, and which I had more than once the honour of intimating to the honourable the Secretary of State, particularly in my letter of the 29th May last, viz. That after having concluded a truce with Portugal, and seeing Sicily under the protection of the British, he must make war upon some other nation, with or without a cause, in order to employ his cruisers; and that the extended and unprotected commerce of the United States offered greater prospects of advantage from plunder and captures than he could expect from any other nation. The ultimate consequence of such conduct he would never calculate; neither would he be restrained by any sense of shame, or of the flagrant injustice of the act.

"In this state of embarrassment, and with these reflections, I was still determined to try all possible means to accommodate the present difficulties, before the ultimate period fixed by the dey should arrive; but if that could not be effected, I should prepare, if possible, to pay the balance demanded in money, to prevent the loss of the ship and cargo, the detention of all Americans in Algiers, and the immediate capture of others.

"In order to raise the money I proposed to sell the cargo of the ship, as the dey would not receive it, and pay him the proceeds in cash towards the balance, but he absolutely forbid the sale of any article on board her. Thus situated I had no other means left but to endeavour to obtain the money on my bills, and while I was using every means in my power, and through every channel that could be devised, to have matters accommodated before they came to the last extremity, I was not inattentive to the necessity I might be under of procuring the money in the last moment,

"As the discussions on our business had taken place either at the marine or in the palace, in presence of all those usually attending there, it was no secret; and I had the satisfaction of hearing a general sentiment of disapprobation expressed on account of the dey's conduct, more strongly than I could have supposed it would have been done, when it was known in what awe and dread every one beheld the present dey, whose severity is almost without example.

"The only quarter from which money could be obtained at any rate, was the house of Bacri, and upon application to him to know if I could depend upon him in the last extremity, he raised many difficulties on account of the limited time, of the many very heavy payments which they had been obliged to make lately for the cargoes of the Greek prizes purchased by them, which had entirely absorbed their cash, &c. He also made some objection to the security of such bills, on account of my being obliged to leave the regency: to that I answered, that I should not desire any one to become my security, as the same objection would naturally occur to them, and that if I should give bills, I must candidly say that if the vessel should not afterwards be permitted to depart with her cargo (as I had some apprehensions from the shameful conduct of the dey, might be the case, in violation of his word) the bills would not be paid, as the proceeds of the cargo, at the place to which she might go, must be depended upon towards discharging such bills. He said he would consider the subject and give me an answer on Friday as to the practicability of getting the money, if it must be had, and the terms which would be expected for it.

"On Friday I made the last effort to effect an accommodation, and flattered myself with some little prospect of success, as the minister of the marine and some others of the principal officers of the regency, had expressed their regret at what had happened, and had promised to do every thing in their power to induce the dey to alter his determination, if the dey should introduce the subject before them, on this day when they all met him at the palace to go with him to the mosque, it being the Mahomedan sabbath; but they candidly acknowledged that if he did not bring the matter forward, no one would dare to introduce

it, as they knew the obstinacy of his temper, and dreaded the effects of his resentment.

"I had communicated to the minister of the marine the proposition which I made in the palace on Wednesday, for the dey to take this cargo on account, and to pay the balance, if any, in cash, &c. which he did not hesitate to declare he thought highly reasonable, and such as should be satisfactory; but at the same time remarked on the inflexible obstinacy of the dey, when he had once taken his resolution.

"At one o'clock my drogerman brought me a message from the dey, which he said was his last, and irrevocably fixed, viz. That I should to-morrow morning pay into the treasury 27,000 Spanish dollars, which he claimed as the balance of annuities from the United States, and then depart from the regency with my family, and all other citizens of the United States in Algiers, in the ship which had brought the stores, in fulfilment of treaty stipulations, and which he had refused to receive; or that the ship and cargo, with all other Americans now in Algiers, should be detained, the former confiscated, the latter kept in slavery, and that war should be instantly declared against the United States.

"This message determined the business and closed every door of hope for an accommodation. It was confirmed by the minister of marine, who said that the subject having been introduced by the dey in their presence, he and the other ministers had urged every thing they dared, to induce the dey to alter his determination, and to accept my proposition, but in vain. He was inflexible, and the alternative must be taken immediately.

"I had now my ultimate choice to make, between the payment of the money, if it could be obtained, and the certain loss of the vessel and cargo, worth much more than the sum claimed by the dey, and the immediate slavery of more than twenty American citizens (including myself and family) now in Algiers, with the highest probability of many American vessels and their crews being captured before it would be possible to give notice of what had happened, to enable them to consult their safety by remaining in port, as the port of Algiers had been shut since the sailing of their cruisers on the 13th.

instant, and of course no opportunity had offered to communicate an account of these transactions to any of our consuls in the Mediterranean.

" I therefore made my election to pay the money, if it could be obtained, especially as the departure of the *Alleghany* would afford an opportunity of giving the most speedy information to every part of this sea, and guard American vessels against falling into the hands of the Algerine cruisers now out; as I can now have but little doubt of the dey's having given orders to his cruisers, on their sailing, to detain and send in such American vessels as they may find. For it must clearly be seen that he has no reasonable or justifiable ground for his present demand and conduct, and I am in a great measure confirmed in my apprehensions entertained and expressed in my last letters to the honourable the Secretary of State, that after the truce with Portugal and the protection of the Sicilians by the English, he would make war upon some nation to employ his cruisers; and that none offered a better prospect than the vessels of the United States.

" The present posture of affairs between the United States and Great Britain, just on the point of open hostilities, would afford another guard and security against our sending a force into this sea to protect our commerce now here, or revenge the insult and injury inflicted upon us; especially, too, as under present circumstances, he must suppose that it would be gratifying to the British, with whom, there is every reason to believe, he has a treaty offensive and defensive.

" I sent for Mr. Bacri, and informed him of my determination to pay the money and depart from Algiers, and should depend upon him for it. But that if, after paying the money, the vessel and Americans should not be allowed to depart from Algiers (which I had reason to apprehend from the dey's outrageous and extraordinary conduct might happen notwithstanding his declaration) the bills which I might draw would not be paid at Gibraltar; for, that I must depend upon the sale of the cargo of this vessel to meet the bills as far as it would go; and that I gave him this information, that he might know the ground on which he stood. He replied that he should have full faith in the bills on that condition, and then observed that the

sacrifices which must be made to obtain the money at the moment, could not be less than twenty-five per cent. After some further discussion of the subject, and knowing the impossibility of obtaining the money from any other quarter, (about which I had made inquiry for two days past) I agreed to give him the advance, which brought the amount to 33,750 dollars; and in the evening gave him a bill, at thirty days sight, on John Gavino, Esq. consul of the United States at Gibraltar, in favour of Moise Levy Valensen, of Gibraltar, value received of Jacob Cain Bacri, of Algiers, on account of the United States of America, to pay a balance claimed by the dey of Algiers, for annuities from the United States, the dey having refused to receive the naval and military stores sent from the United States, agreeably to treaty stipulation, to pay such balance as might be due. I also stipulated with Mr. Bacri, that he should cause the money to be paid into the treasury tomorrow morning, so as not to give any ground for detaining the vessel, or raising any new difficulties on that account, which he promised to do.

"I gave to John Norderling, Esq. his Swedish majesty's agent general at Algiers, a letter, accepting his friendly offer to take care of my property left in Algiers, and also requesting his kindness to be extended to any American citizens who might arrive in Algiers after my departure, or be unhappily brought in by the cruisers of the regency.

"The following is an extract from my letter to Mr. Norderling.

"As my departure from Algiers is compulsive, I leave no person directly charged with the affairs of the United States of America in this regency. But should any of our citizens arrive here, or be unhappily brought in, your kindness to them will be gratefully acknowledged, and the necessary and reasonable expenses for the support of such as are destitute will be paid by the government of the United States."

"Through the day of Friday, and in the evening, my acquaintance of all descriptions called upon me, and the unfeigned sorrow expressed by all of them of every denomination, sufficiently evinced the regard they had for us. And the undisguised disapprobation and disgust expressed

by all classes at the dey's conduct, must, I think, end in some disastrous event for him.

"Very early on Saturday morning the drogerman came to my house, and informed me that Jacob Bacri had paid the money to the regency, and soon after the minister of the marine sent for me to go to the marine, where he informed me it was the dey's order that myself and all the other Americans should embark immediately, and depart from Algiers. He expressed his regret at what had happened, and declared that it was against his strong advice and wishes, hoped that every thing might yet be accommodated, after the dey's phantasy should have passed, &c. I intimated to him my suspicions and apprehensions that orders had been given to the cruisers which sailed on the 13th instant, to capture American vessels. He assured me that if such orders had been given by the dey to the commander of the squadron, he was ignorant of it, and that he hoped it was not the case. How far his reply is to be relied on I am not able to say.

"I requested the minister to give me a certificate of the ship *Allegany* having been sent away by order of the dey, that in case she should be met by any of the cruisers now out, they might not molest or stop her. This he declined, saying that their cruisers were all at the east of Algiers, and that if any one should molest or detain the vessel, the dey would punish the commander most severely, &c. This did not satisfy me; but I could not prevail upon him to give the passport.

"When I parted from the minister I was about to return to my own house, to accompany my wife on board the vessel; but he said I must not return there again, but must go on board, as the vessel was getting under way, and that the drogerman would go up to conduct my family down and on board, which was accordingly done, and the vessel got out of the port about 7 o'clock, A. M.

"The persons embarked on board the *Allegany*, besides the captain and crew, (consisting of seventeen persons) are myself, my wife, and my son, (who arrived from the United States via Gibraltar, on the 15th instant). Mr. Jonathan S. Smith, of Philadelphia, who has been in Algiers these two years past, with some coffee for sale, which he has thought proper to abandon, and says he shall seek

for indemnification from the United States. I advised him to sell it, as it was not possible for the ship to take it on board, as she was entirely filled with the cargo which she brought out, but he did not think proper to comply with my advice; Mr. John Vallet, a naturalized citizen of the United States, whom I have mentioned in my letter of the 29th May, a copy of which I have now the honour to enclose, as well as of that of the 30th of April, and a Mr. Pinto, also a naturalized citizen of the United States, certificate from South Carolina.

"On the evening of our leaving Algiers we spoke a British letter of marque, bound to Malta, and as the weather did not admit of sending a letter on board, I desired the captain to inform the American consul at that place that I had been ordered from Algiers, and as there was no doubt but the Algerine cruisers would capture any American vessels they might meet, desired that he would give notice thereof to all American vessels in Malta, and extend the information in every direction possible.

"Yesterday we were boarded by his Britannick majesty's brig Goshawk, which was going with a convoy to Alicant and Majorca, to the commander of which brig I gave letters to our consuls in those places, a copy of which I have the honour to enclose, and requested the said commander to give the notice of my being ordered from Algiers, &c. to any American vessels he might meet at sea, and make the same known wherever he might go. I shall forward my circular to any places to which we may meet vessels going, until I reach Gibraltar, whence I shall disperse my circulars by every opportunity which may offer, to all ports of this sea, as well as to the ports in the Atlantick.

"The officers of the Goshawk who boarded us, gave information that the British orders in council, laying restraints on neutral commerce, had been revoked, and that the British cruisers had orders not to molest American vessels, as an evidence of which he did not even ask for a sight of the Allegany's papers.

"I took passports for the ship from the French and Spanish consuls before I left Algiers. The English consul did not furnish any, although I applied to him for that

purpose. I did not ask them from the Swede or the Dane, as they have no vessels in this sea.

"I have now, sir, given you a faithful and a detailed account of this extraordinary and unexpected transaction. While I feel conscious that no exertion was wanting on my part, and no means in my power left unattempted to make an accommodation, when the difficulties were first brought forward, and during the whole course of this unexampled proceeding; and that my ultimate decision was made on the ground of necessity, to prevent a greater evil to my country; I trust that the President and our government will approve my conduct. The law passed on the 1st of May, 1810, restricting the consuls in Barbary to the sum of three thousand dollars annually, to be employed in presents, &c. without the special permission of the President first obtained, prevented my making those attempts in a pecuniary way, for opening a door to accommodation, which I should otherwise have done; but upon a review of the whole of the circumstances attending this business, I have now my doubts whether any sum which the United States might have thought proper to bestow, would have answered the purpose. I thought it my duty, however, to make some attempts in that way, upon the scale to which I was limited; but it had not the desired effect.

"The character of the present dey, Hadge Alli, bashaw, is that of a severe, obstinate, and cruel man. He is said to be inflexible in his resolutions, and will bear no contradiction or reasoning. He has kept the soldiers in more subjection during his reign than they have been accustomed to for many reigns before, and no one dares approach him, but those whose duty calls them into his presence, or who are sent for by him. He has not granted an audience to any consul for nearly a year past, except to a new English consul who arrived in April last; and would not see the old consul before his departure. The tales told of his personal conduct in the palace, bespeak him a man deprived, at times, of his reason. His conduct with respect to our affairs is almost an evidence of his insanity; and I am very much mistaken if it does not hasten his exit from this world, but while he reigns he is most absolute. And I have very little hopes of his

refraining from making war upon the United States. There is every reason to apprehend, from what has taken place, as before detailed, that the cruisers had orders to capture American vessels, before their departure from Algiers, on the 13th instant. In which case some vessels will undoubtedly fall into their hands before the notice I have given, or may give, can reach the ports where they may be, and prevent their sailing. It therefore behooves the government to prepare for such an event, and to determine in what manner they will meet it. Should our differences with Great Britain be so accommodated as to admit of sending a naval force into this sea, I am sure there is only one course which the government will pursue, and what has now taken place may be a happy and fortunate event for the United States, by relieving them from a disgraceful tribute, and an imperious and piratical depredation on their commerce. *If our small naval force can operate freely in this sea, Algiers will be humbled to the dust.*

“Spain would undoubtedly be ready and willing, as far as she might be able, to co-operate with any nation against Algiers; for the enormous demands made upon the former by the latter not having been complied with, the Algerines have lately taken vessels and property from the Spaniards to the amount of more than one hundred thousand dollars, and have upwards of fifty of the subjects of that nation in slavery. They still permit, or rather compel the consul to remain at Algiers, and have not declared war against Spain, whose ally seems to view these depredations with indifference. The French may be said to be nearly in a state of open hostility with them; and the Algerines know, that in the event of a peace between Great Britain and France, they must submit to the will of the latter power. Sweden and Denmark are in arrears for four or five annuities, and nothing but a knowledge that these powers have no commerce in this sea, on which they can depredate, prevents their making war upon them. In the mean time, the consuls of these nations pay annually a considerable sum in money for their forbearance, while the account of annuities is accumulating. All the Sicilians have been released, through the interference of the English, from Tunis and Tripoli:

and at my departure from Algiers, lord William Bentick was daily at that place, to treat for the Sicilians in slavery there. The Portuguese have redeemed all their subjects in slavery at Algiers, and extended their truce with the regency for one year.

"I shall proceed in the *Allegany* to Gibraltar, where I shall dispose of her cargo which has been refused by the dey of Algiers, to meet, as far as it will go, the bill before mentioned, and for the remainder shall draw upon the honourable the Secretary of State. At the same time, I shall send to Mr. Simpson, our consul at Tangier, the gun barrels intended for the emperor of Morocco, as well as a copy of your letter respecting the change of passports, with a proportion of the tops, and one of the new passports. The same will be done to Tunis and Tripoli, from which places I have heard nothing since I had last the honour of writing to you. I shall also from thence dispense information of what happened at Algiers, to all ports of this sea, as before mentioned, and shall add to this letter (if an opportunity should not offer of forwarding it before my arrival) such occurrences or information as I may meet there.

"On the 13th instant, the whole naval force of Algiers sailed on a cruise to the eastward, supposed to be destined against Tunis, or to make a descent on some part of Sardinia, for the purpose of getting slaves. It consisted of the following vessels :

1 frigate of 50 guns and	500 men.
1 do. 46	460
2 do. 44	450 men each, 900
1 do. (new) 38	400
2 corvettes, 24 guns each,	500
1 do. 22	230
2 brigs, 22 guns each,	450
1 xebec, 20	200
1 schooner, 4	46
1 row galley,	50
6 gun boats, sloop rigged, carrying one 24 pounder and one 11 inch mortar each.	

"The heaviest cannon in their frigates are eighteen pounders, but these do not extend through the whole battery, having some twelve pounders among them ; the

other guns are nine and six pounders. The corvettes and brigs carry twelve, nine, and six pounders : none of them have caronades.

" The large frigate is about six years old, and the best of the squadron. She is about the size of our 36 gun frigates. Three of the others are very old ships, hardly seaworthy, about the size of our 32 gun frigates. That of 38 guns is a new ship, launched at Algiers about two months since, and is about 500 tons burden. The two corvettes of 24 guns are Greek prizes, converted into cruisers, about 400 tons burden each. The corvette of 22 guns is an old vessel of about 350 tons. The two brigs are about 250, and the xebeck 200 tons. Four of the frigates, one corvette, and the two brigs, are coppered.

" The Algerines have not another vessel of war, besides those mentioned, excepting three gun boats, of the size of those sent out, which are unfit for service. All their small open gun boats for the defence of the bay, are either broken up or entirely unfit for service.

" The squadron before mentioned is commanded by their famous captain rais Hammida, who bears the title of admiral. He is a bold, active, enterprising commander, but entirely unacquainted with any regular mode of fighting ; he has not the advantage of being a Turk, or even an Algerine by birth, and his advancement, which has been owing entirely to his activity, enterprise, and singular good fortune, has excited the jealousy and hatred of the other commanders, who are far inferior to him in point of talents ; but he is much beloved by the sailors (if such they may be called who go out in their cruisers.) He is an Arab of the mountains, of one of the tribe of Carbiles ; he came to Algiers when a boy, to seek a livelihood, as is the custom of those people, and going out in one of the cruisers, became attached to that mode of life, and has risen to his present rank. He is about 40 years old.

" The crews of their cruisers consist principally of the lowest and most miserable order of people in Algiers, known by the name of Biscaries and Carbiles, from the tribes to which they belong. They are either taken from the streets at the moment when a cruiser is about to sail, or if a previous cruise has been fortunate, they go on board

voluntarily in great numbers, hoping to obtain plunder or prize money. As the last cruise of their corsairs was esteemed fortunate by the capture of a number of Greek vessels loaded with wheat, and each man shared about fifty dollars, the vessels have been crowded with volunteers on the present cruise. Besides these there are a few who may be called good seamen for Algerines; and about ten or twelve Turkish soldiers to every one hundred men on board the vessel.

"They know nothing of regular combat at sea, and if kept from boarding distance, they could not withstand one half their own force on board another vessel, which should be tolerably well managed in the usual mode of sea fighting. It is on boarding that they depend entirely to overcome an equal or any force that will contend with them. These attempts they sometimes make with a desperation bordering on madness; but if foiled in that, they have no other resource.

"After this account of the Algerine cruisers and their crews, which is faithful and correct, I am sure that our brave officers and seamen would rejoice to meet them with only half their force, if circumstances should make a recurrence to arms necessary on our part, and our ships could come freely into this sea.

"Enclosed is the account of the settlement of the cargo of the brig Paul Hamilton, made at the palace on the 22d instant; and although the prices allowed for the cordage and cables are at a great loss to the United States, yet those given for the plank and turpentine, &c. make the settlement upon the whole as good as usual, and had the cargo of the ship Allegany been received at the same rate, it would have paid the balance up to September next, which completes the seventeenth year of our treaty, according to our computation of time. The account of annuities between the United States and Algiers, as per treaty, stands simply thus:

*Dr. The United States to the Dey and Regency of Algiers.*

To 17 annuities ending Sept. 5, 1812, at \$21,600	
per year	\$367,200

<i>Supra.</i>	Cr.
By 14½ annuities paid as per receipts, at \$21,600 per year	313,200
By a tiscary given at the last settlement for a balance in favour of the United States, 14,480 old sequins	26,064
By the amount of stores brought by the brig Paul Hamilton, as per settlement July 22d, 1812.	12,099
	<hr/>
	351,363
Balance due to the regency of Algiers on the 5th Sept. 1812	15,837
	<hr/>
	\$367,200

“The regency of Algiers counting the time by the Mahometan computation of 354 days to the year, make 17½ years, which is an addition of half a year, or \$10,800 to the above balance, which makes their balance \$26,637 to the 5th of September, 1812, for which the day demands \$27,000 in round numbers.”

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. NOV. 18, 1812.

I TRANSMIT to Congress copies of a communication from Mr. Russell to the Secretary of State. It is connected with the correspondence accompanying my message of the 12th instant, but had not at that date been received.

JAMES MADISON.

*Mr. Russell to Mr. Monroe. Washington, November 16, 1812.*

SIR,—I have the honour to hand you herewith an account of the conversation alluded to in a postscript to my letter of the 19th of September, and which I had not sufficient time then to copy.

I have the honour to be, &c.

JONA. RUSSELL.

The Hon. James Monroe, &c. &c. &c.

*Mr. Russell to the Secretary of State. London, September 17, 1812.*

SIR,—On the 12th instant, I had the honour to receive your letter of the 27th of July last. I called immediately at the foreign office to prepare lord Castlereagh, by imparting to him the nature and extent of my instructions, for the communication which it became me to make to him. His lordship was in the country, and I was obliged to write to him without previously seeing him. I however accompanied my official note (A,\*) with a private letter (B,\*) offering explanation, if required, and soliciting despatch.

I waited until two o'clock, the 16th instant, without hearing from his lordship, when I was much surprised at receiving a note (C,\*) from Mr. Hamilton, the under secretary, indefinitely postponing an official reply. To give more precision to the transaction, I instantly addressed to him an answer (D,\*) and a little before five o'clock, on the same day, I received an invitation (E,\*) from lord Castlereagh to meet him at his house that evening at nine o'clock.

I waited on his lordship, at the time appointed, and found him, in company with Mr. Hamilton, at a table loaded with the records of American correspondence, which they appeared to have been examining.

\* The notes referred to have already been communicated to Congress. See present vol. pp. 120, 121, 122, 123.

I was courteously received, and after a conversation of a few minutes on indifferent subjects, I led the way to the business on which I came, by observing that I had once more been authorized to present the olive branch, and hoped it would not be again rejected.

His lordship observed, that he had desired the interview to ascertain, before he submitted my communication of the 16th instant to the prince regent, the form and nature of the powers under which I acted. To satisfy him at once on both these points, I put into his hands your letter of the 27th July. I the more willingly adopted this mode of procedure, as, besides the confidence which its frankness was calculated to produce, the letter itself would best define my authority and prove the moderation and conciliatory temper of my government.

His lordship read it attentively. He then commented at some length both on the shape and substance of my powers. With regard to the former he observed, that all my authority was contained in a letter from the Secretary of State, which, as my diplomatic functions had ceased, appeared but a scanty foundation on which to place the important arrangement I had been instructed to propose. With regard to the extent of my powers, he could not perceive that they essentially differed from those under which I had brought forward the propositions contained in my note of the 24th of August. He considered that to enter with me into the understanding, required as a preliminary to a convention for an armistice, he would be compelled to act on unequal ground, as from his situation, he must necessarily pledge his government, when from the nature of my authority, I could give no similar pledge for mine. He could not therefore think of committing the British faith and leaving the American government free to disregard its engagements. Besides it did not appear to him, that, at the date of my last instructions, the revocation of the orders in council, on the 23d of June, had been received at Washington, and that great hopes were entertained of the favourable effect such intelligence would produce there. The question of impressment, he went on to observe, was attended with difficulties of which neither I, nor my government appeared to be aware. "Indeed," he continued, "there has evidently been much misappre-

hension on this subject, and an erroneous belief entertained that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in Congress, I mean (observing perhaps some alteration in my countenance) those who were opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error, probably originated with Mr. King, for being much esteemed here, and always well received by the persons then in power, he seems to have misconstrued their readiness to listen to his representations and their warm professions of a disposition to remove the complaints of America, in relation to impressment, into a supposed conviction on their part of the propriety of adopting the plan which he had proposed. But lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject, to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his lordship addressed to sir William Scott at the time." Here lord Castlereagh read a letter, contained in the records before him, in which lord St. Vincent states to sir William Scott, the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see," proceeded lord Castlereagh, "that the confidence of Mr. King on this point was entirely unfounded.

"The extreme difficulty, if not total impracticability of any satisfactory arrangement for the discontinuance of impressment, is most clearly manifested by the result of the negotiation carried on between Messrs. Moproe and Pinkney and lords Auckland and Holland. The doctrines of which these noblemen had been the advocates, when in opposition, bound them by all the force of consistency to do every thing under their commission for the satisfaction of America, relative to impressment, which the nature of the subject would possibly admit. There were many circumstances, on that occasion, peculiarly propitious to an amicable arrangement on this point, had such an arrange-

ment been, at all, attainable. Both parties accordingly appear to have exhausted their ingenuity in attempting to devise expedients satisfactorily to perform the office of impressment; and nothing can more conclusively demonstrate the inherent difficulty of the matter, and the utter impossibility of finding the expedient which they sought, than that all their labours, pursued on that occasion with unexampled diligence, cordiality and good faith, should have been in vain."

His lordship now turned to a letter in a volume before him, addressed at the close of the negotiation by these commissioners to the American ministers, conceived in the kindest spirit of conciliation, in which they profess the most earnest desire to remove all cause of complaint on the part of America, concerning impressment; regret that their endeavours had hitherto been ineffectual; lament the necessity of continuing the practice, and promise to provide as far as possible against the abuse of it.

"If," resumed his lordship, "such was the result of a negotiation entertained under circumstances so highly favourable, where the powers and the disposition of the parties were limited only by the difficulties of the subject, what reasonable expectation can be encouraged that, in the actual state of things, with your circumscribed and imperfect authority, we can come to a more successful issue? I shall have to proceed in so weighty a concern with the utmost deliberation and circumspection; and it will be necessary for me to consult the great law officers of the crown. You are not aware of the great sensibility and jealousy of the people of England on this subject; and no administration could expect to remain in power that should consent to renounce the right of impressment, or to suspend the practice, without the certainty of an arrangement which should obviously be calculated most unequivocally to secure its object. Whether such an arrangement can be devised is extremely doubtful, but it is very certain that you have no sufficient powers for its accomplishment."

Such was the substance, and, in many parts, the language of his lordship's discourse. To which I replied, that the main object of my powers being to effect a suspension of hostilities, their form could not be material—it was sufficient that they emanated from competent authority,

and were distinctly and clearly conferred. That in requiring as a condition to an armistice a clear understanding relative to impressment and other points of controversy between the two countries, it was intended merely to lay the basis of an amicable adjustment, and thereby to diminish the probability of a renewal of hostilities. To come to such an understanding to be in itself informal, and which expressly left the details of the points which it embraced to be discussed and adjusted by commissioners to be hereafter appointed, was certainly within the instructions which I had received, and I could of course thus far pledge my government for its observance. I did not acknowledge the force of his objection, predicated on the inequality of our respective powers, nor perceive how the British faith would be particularly committed. The faith of both governments would be equally committed for whatever was done under their respective authority—and although his lordship might have power to go beyond the armistice and understanding for which I was instructed, yet there was no necessity for doing so; and while we acted within those limits we stood on equal ground.—And were it otherwise, yet, as the promise of the one party would be the sole consideration for the promise of the other, should either fail in the performance of its engagements, the other would necessarily be discharged, and the imputation of bad faith could alone attach to the first delinquent. Nor was I dismayed at the very formidable difficulties with which he had thought proper to array the subject of impressment; and, although willing to acknowledge my inferiority to the American negotiators who had preceded me in the matter, yet I was not disposed on account of their failure to shrink from the discharge of a duty imposed on me by my government. To me indeed the whole question appeared much less alarming than his lordship had described it to be—and that if Mr. King had really been mistaken with regard to the near completion of an adjustment, his lordship must, on an attention to the *whole correspondence* at the time, acquit him from the imputation of any excessive want of penetration.

As to the supposed ignorance in America of the revocation of the orders in council, at the time my instructions were dated, I observed, that if this ignorance did in fact

exist, yet, from certain expressions in those instructions, an expectation of such a measure seems to have been confidently entertained, and the orders in council appeared no longer to form an obstacle to a reconciliation. However this might be, it ought not to be supposed that the American government would be ready to abandon one main point for which it contended, merely because it had obtained another which was generally considered to be of minor importance, and to submit to the continuance of impressment on account of the discontinuance of the orders in council. At any rate having authorized me to propose terms of accommodation here, it would probably wait for information concerning the manner in which they had been received, before it would consent to more unfavourable conditions. In the mean time the war would be prosecuted, and might produce new obstacles to a pacifick arrangement. I was happy to learn that the failure of a former negotiation concerning impressment could not be ascribed to a want of sincerity and moderation in the American government, and I hoped the mode now suggested for securing to Great Britain her own seamen might remove the difficulties which had hitherto embarrassed this question. If the people of England were so jealous and sensitive with regard to the exercise of this harsh practice, what ought to be the feelings of the people of America, who were the victims of it? In the United States this practice of impressment was considered as bearing a strong resemblance to the slave trade; aggravated indeed, in some of its features, as the negro was purchased, already bereft of his liberty, and his slavery and exile were at least mitigated by his exemption from danger, by the interested forbearance of his task-master, and the consciousness that, if he could no longer associate with those who were dear to him, he was not compelled to do them injury; while the American citizen is torn without price, at once, from all the blessings of freedom, and all the charities of social life, subjected to military law, exposed to incessant perils, and forced at times, to hazard his life in despoiling or destroying his kindred and countrymen. It was matter of astonishment, that while Great Britain discovered such zeal for the abolition of the traffick in the barbarous and unbelieving natives of Africa, as to endeavour to force it

on her reluctant allies, that she could so obstinately adhere to the practice of impressing American citizens, whose civilization, religion and blood, so obviously demanded a more favourable distinction.

I next pointed out to his lordship, the difference between the propositions, which I now submitted, and those contained in my note of the 24th of August. That although the object of both was essentially the same, there was great diversity in the manner of obtaining it. The discontinuance of the the practice of impressment, which was before required to be immediate, and to constitute a formal preliminary to an armistice, was now deferred to commence coterminously with the operation of the law of the United States, prohibiting the employment of British seamen, and was consigned, with the other conditions, to a separate and informal arrangement. In this way it was no doubt intended, by respecting the feelings of the British government, to obviate any objection which might have been the mere suggestion of its pride.

I finally offered, in order to answer at once all the observations and inquiries of lord Castlereagh, that the proposed understanding should be expressed in the most *general terms*—that the laws, to take effect on the discontinuance of the *practice* of impressment, should prohibit the employment of the *native* subjects or citizens of the one state, excepting such only as had already been naturalized, on board the private or publick ships of the other; thus removing any objection that might have been raised with regard to the future effect of naturalization, or the formal renunciation of any pretended right. With regard to blockades, I proposed to follow the same course, and only to agree that none should be instituted by either party, which were not conformable to the acknowledged laws of nations, leaving the definition of such blockade, and all other details, to be settled by the commissioners in the definitive treaty.

I was disappointed and grieved to find that these propositions, moderate and liberal as they were, should be treated in a manner which forbid me to expect their acceptance. I was even asked by Mr. Hamilton, if the United States would *deliver up* the native British seamen who might be naturalized in America. Although shocked

at this demand, I mildly replied, that such a procedure would be disgraceful to America, without being useful to Great Britain—that the habits of seamen were so peculiarly unaccommodating that no one would patiently go through the long probation required by law, to become the citizen of a country where he could not pursue his professional occupations ; and that not to employ him in this way would be virtually to surrender him to Great Britain.

I was disposed to believe, however, that a reciprocal arrangement might be made for giving up deserters from publick vessels.

Here, perhaps, I owe an apology to my government for having, without its precise commands, hazarded the overture above mentioned, relative to British subjects who may hereafter become citizens of the United States. In taking this step, however, I persuaded myself that I did not trespass against the spirit of the instructions which I had received ; and had the proposition been accepted, I should not have been without all hope that it would have been approved by the President, as its prospective operation would have prevented injustice, and its reciprocity disgrace. Should I, however, urged by too great a zeal to produce an accommodation, have mistaken herein the intentions of the President, I still should have derived some consolation from reflecting, that this proposition, thus frankly and explicitly made, afforded an opportunity of satisfactorily testing the disposition of this government, and might be useful in removing much misconception and error. The refusal, indeed, of this proposition, sufficiently explains the view with which I was assailed with the ostentatious parade of the abortive negotiations relative to impressment ; the exaggeration of its pretended difficulties ; the artificial solemnity given to its character ; the affected sensibility to the popular sentiment concerning it ; and the fastidious exceptions taken to my powers ; and proves most unequivocally the predetermination of the British government to reject, at this time, every overture for the discontinuance of this degrading practice.

Most unfeignedly desiring to suspend the existing hostilities between the two states, with a reasonable prospect of finally terminating them in a manner honourable to

both, I perhaps pressed with too much earnestness the adoption of the arrangement which I was instructed to propose; for lord Castlereagh once observed, somewhat loftily, that if the American government was so anxious *to get rid of the war*, it would have an opportunity of doing so on learning the revocation of the orders in council. I felt constrained on this occasion to assure his lordship, that the anxiety of the American government *to get rid of the war*, was only a proof of the sincerity with which it had constantly sought to avoid it; but that no event had occurred, or was apprehended, to increase this anxiety. His lordship, correcting his manner, rejoined, that it was not his intention to say any thing offensive, but merely to suggest, that if the American government sincerely wished for a restoration of the friendly relations between the two countries, it would consider the revocation of the orders in council as affording a fair occasion for the attainment of that object. After a pause of a few moments, he added, that if the United States did not avail themselves of this occasion, not only to put an end to the war which they had declared, but to perform the conditions on which those orders were revoked, that the orders would, of course, revive. I could not forbear to remind his lordship, that when I took this view of the subject, in my note of the 24th of August, he had found it to be *incorrect*; but I hoped that now I was so fortunate as to agree with him on this point, some provision would be made, in case the terms proposed for an armistice should be accepted, to prevent the revival of those edicts. His lordship attempted to explain, but I could not distinctly seize his meaning.

The conversation ended with an assurance on the part of his lordship, that he would, with as little delay as possible, communicate officially to me the decision of the prince regent; and I took my leave, forbidden to hope, that while the present councils, and the present opinion of the American people prevail here, this decision will be favourable.

I have the honour to be, &c.

JONA. RUSSELL.

His Excellency James Monroe, &c.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE  
SENATE. JAN. 14, 1813.

I TRANSMIT to the Senate a report of the Secretary of State, complying with their resolution of the twenty-second December.

JAMES MADISON.

[The Senate of the United States do not consent that the Report of the Secretary above referred to should be published ; but the Resolution of December 22d, and a number of the Documents follow.]

*Extract from the confidential Proceedings of the Senate of the United States, December 22, 1812.*

“RESOLVED, That the President of the United States be requested to cause to be laid before the Senate, any information which he may have of the intention of the enemy to take possession of East Florida, and of the disposition of the people of that territory to be received under the protection of the government of the United States ; the amount of the American force in that neighbourhood, and under the command of general Wilkinson, and the quantum of the Spanish or other force in St. Augustine, Pensacola, and Mobile, and respecting any negotiation that may have been had for the settlement of differences and claims, existing between the United States and Spain, not heretofore laid before the Senate ; respecting any proposal or negotiation that may have been made, or had by or with any person or persons exercising the powers of the government of Spain, or claiming to exercise the powers of said government, or with their respective agents, for the cession of East Florida to the United States ; respecting any proposal to or from the local authorities of East Florida, (not heretofore communicated,) for the cession, surrender, or occupancy thereof, to or by the United States ; and also any information respecting the relations

of the United States with Spain, or said territory of East Florida, which the President may deem proper to communicate."

DOCUMENTS ON THE SUBJECT OF EAST FLORIDA, ACCOMPANYING PRESIDENT'S MESSAGE. JAN. 14, 1813.

A.

SIR,—Being elected to the office of director by the freemen of East Florida, who engaged in the revolution, it becomes my duty to address you, and through you, the President of the United States, upon the subject of our situation; after suffering for a long time, under the oppression of a government, corrupt in itself, and free from the control of the parent country, we saw the correspondence between yourself and Mr. Foster, respecting East Florida; your letter refrained from noticing that part of Mr. Foster's communication relating to general Matthews. When general Matthews came forward with instructions of a date, prior to that of the correspondence, we immediately concluded that the United States would receive our country as a component part of their territory, as soon as we should declare our determination to shake off the shackles with which we were overloaded.

Under this impression, the whole planting interest declared themselves free, took possession of all the country, and held it until they surrendered it by cession of their commissioners to the United States.

None opposed our measures but persons in St. Augustine, under immediate military influence, (and frequently they come out and join us) and some English merchants or agents at Amelia, who became subjects in East Florida, for the purpose of taking advantage of the situation of that island, and by evading or infringing the laws of the United States, to become rich by a trade in Africans, or by smuggling.

Firmly confiding in the assurances and declarations of general Matthews, and in the full belief, that we and our country would be taken under the protection of the United States, a temporary form of government was adopted, merely to prevent confusion, and to enable us to make a ces-

sion to the United States. This form answered our intention until lately, when it was thought advisable to establish a more detailed one, lest the first should not be considered as sufficient to authorize a cession.

Yet, sir, not a man among us, but considers this as a thing of a moment, for without the aid of the United States, we must fall, and become a ruined and dispersed people. It was in consequence of the assurances of commissioner Matthews, that our conduct would be sanctioned by his government, that we were induced to take up arms against our tyrants, and to constitute a local authority or government, under which, to cede to the United States all the country around St. Augustine.

A copy of the deed of cession, made between general Matthews for the United States, and the commissioners appointed by our constituted authorities, was, we are told, sent on to the President. With surprise and concern, we heard shortly after, that the President refused to ratify any of the acts of his commissioner; but having every reliance and confidence in the justice and humanity of the United States, we never despaired of being eventually protected. We could not believe that men, whose error had been an unbounded confidence in the authorized agent of the United States, and whose crime was an ardent love for your government, would be left to the revenge of an arbitrary, jealous, and vindictive power. Indeed we were told through official and semi-official channels "that not a hair of our head should be touched." Latterly we have learned with inexpressible anguish, that the troops and gun boats of the United States, which constitute our only security, are to be removed, our slaves are excited to rebel, and we have an army of negroes raked up in this country, and brought from Cuba to contend with. Let us ask, if we are abandoned, what will be the situation of the southern states, with this body of men in the neighbourhood? St. Augustine, the whole province will be the refuge of fugitive slaves; and from thence emissaries can, and no doubt will be detached, to bring about a revolt of the black population in the United States.

A nation that can stir up the savages round your western frontiers to murder, will hesitate but little to introduce the horrors of St. Domingo into your southern country.

In addition to this, the Creek Indians have been provoked to hostility against us, and have already committed murder and robbery on our frontiers; this we believe to have been caused by the war between the United States and Great Britain, for before that event, the savages professed friendship for us, or at least a neutrality, though instigated to war by the corrupt government in St. Augustine.

Deplorable as is our situation, it is made worse from the impossibility of carrying into the United States what slaves may remain faithful, without violating your laws, and thereby making them liable to seizure. Some of us have been accustomed to the sweets of affluence, and most of us to the enjoyments of plenty. We, in common with other citizens, would willingly have sacrificed all we have, had it been in defence of the United States; but to be beggared and branded as traitors, is wretchedness indeed, to men who thought they were acting as some of their forefathers had in 1776. We have heard of the dispositions and efforts of the President, the House of Representatives, and a respectable minority in the Senate, to benefit our situation.

Allow me, sir, in behalf of the people of East Florida, to entreat the President and his cabinet council, to take into consideration our unhappy, unexpected, and unmerited situation, and that it will be determined, that a sufficient number of troops and gun boats be ordered to remain for our protection until a cession of the country shall be accepted by the United States, or a reinforcement thrown by the British into St. Augustine, when offensive operations might be resorted to. Upon the principles of justice and of humanity, we call for the protection of the United States; with it we become free and happy; without it, we must become wanderers upon the face of the earth, or tenants of loathsome dungeons, the sport of cruel and inexorable tyrants.

Our state of anxiety will be an apology for begging you to send me an answer as speedily as possible.

I am, sir, &c.

JOHN H. M'INTOSH.

The Hon. James Monroe.

B.

*In Camp, one Mile from Knoxville, Dec. 3, 1812.*

SIR,—Late intelligence shows a want of troops in East Florida, to check the hostile savages. A considerable part of the Georgia militia, it is said, have refused to afford relief to the troops of the United States, stationed at St. Johns, from a fatal exposition of the constitution relative to the militia. And believing from the course of political events, that the government of the United States will shortly wish to occupy the Floridas, I determined to collect some military force, and march directly to that quarter. Upon short notice, one hundred and sixty-five mounted men convened at this place, on Tuesday the first of this month, and will march on to-morrow under my command, for St. Johns; where it will afford us pleasure to execute the orders of the President. In executing your orders, not a man in this corps will entertain constitutional scruples on the subject of *boundaries*.

Accept, sir, &c.

JOHN WILLIAMS.

The Hon. James Madison.

*Nashville, December 12, 1812.*

SIR,—The hostile conduct of the Creek Indians, with the spirit of disaffection among the blacks, as manifested in the attack of captain Williams of the marine corps of the United States, on the frontier of Georgia, founded as it is believed, from the instructions which they have from time to time received, from the Spanish local authorities, at St. Augustine and St. Marks, tending to excite the Indians and blacks in that quarter, to commit murders and depredations on the frontier citizens of the state of Georgia,

and on the troops of the United States ; as also to attack the militia and volunteers of Georgia on the frontier of that state, for defensive purposes, having been ascertained by many well informed people, resident in East Tennessee, they have, as I have understood, with the hope of affording relief to their fellow citizens of the United States in Georgia, and on that frontier, enrolled themselves in companies, to the number of one hundred and fifty or two hundred men, under the command of colonel John Williams, adjutant general of this state, and on the 4th inst. marched to the frontier of Georgia, well armed and well equipped, well clothed and well mounted ; with the intention on their arrival there, to report themselves to the government, ready to engage in any enterprise, or to comply with any order the President of the United States may think proper to give, or to enter into any service he may point out, or command them to enter upon. They have armed and equipped, and supported themselves for the service and their march to St. Marys at their own expense. This volunteer corps is composed of men as respectable and as well attached to the government, as any to be found in this or any state in the Union, and it is believed had they delayed their march one week longer, that one thousand men of the same description would have marched with them. The spirit of the people of both East and West Tennessee is up, and the universal sentiment among them is, that they will to a man act promptly in support of the government of their free choice, and in support of the great cause now before the American people. Among the mass of people in Tennessee, east and west, north and south, from any point, there is as much worth and genuine patriotick ardour, as can be found in the same number, on any spot on earth. If the attempt of this volunteer corps to serve their country, is favourably noticed by the President, and active employ furnished them, the people will put forth their actual strength ; if their exertions should be chilled by cold neglect, the cause of liberty will be injured. Those people do not measure the continent to know where to fight. They have no constitutional scruples further than to act in support of their government ; they have no constitutional objections, neither of natural or artificial kind. Give them employ, they will prove by

their acts, that they deserve it. This I know, and if an opportunity is afforded them, the world will know it. If this flame is fanned, and such conduct encouraged by the President, the proper zeal will be felt until our enemies are destroyed, when we shall again enjoy the blessings of uninterrupted peace, under the mildest and best government known to man, and which has declared war, in support and defence of the rights of freemen, whose principal delight is to confide in the regularly constituted authorities of the Union, from a full conviction that they deserve their confidence.

I have the honour to be, &c.

WILLIE BLOUNT.

Hon. William Eustis, Secretary at War.

D.

*Extracts of Letters from General Wilkinson to the Secretary at War. New Orleans, July 22, 1812.*

"A NEW governour and one hundred and thirty men, blacks, have been sent from the Havana to Pensacola."

September 22, 1812.

"Two Spanish armed schooners arrived from Havana, destined to Mobile, with one hundred and sixty troops.

"Our information from Pensacola states, that the Spaniards are fortifying, and expect reinforcements."

D.

*Adjutant General's Office, Washington City, Jan. 13, 1813.*

SIR,—From the best information I possess on the subject, I should estimate the Spanish force at St. Augustine, at nine hundred men; at Pensacola, at five hundred; and at Mobile, at two hundred and fifty.

I am, sir, &c.

T. H. CUSHING,  
Adjutant General.

The Honourable Secretary of War.

## E. No. 1.

## GOVERNOUR MITCHELL'S CORRESPONDENCE.

*Mr. Monroe to Governour Mitchell. Department of State,  
July 6, 1812.*

Sir,—I had the honour to transmit to you, some time since, a copy of an act of Congress, declaring war against Great Britain, and also of the President's message to Congress, and of the report of the committee of foreign relations on the subject.

As the President entertained full confidence that you would discharge the duties of the trust confided to you, respecting East Florida, with ability and discretion, according to the act of Congress, of which you were furnished with a copy, and the instructions given to your predecessor, founded on it, and according to those given to yourself, since the revocation of his powers, I have said nothing of late on the subject, waiting to receive a further report from you of the actual posture of affairs in that province.

Another motive for delay, in giving you other instructions, proceeded from the expectation, that Congress might, in consequence of the war with England, make some modification of the law under which you acted.

I have now to inform you that soon after the declaration of the war, a bill to authorize the Executive to take possession of East Florida, and of the remaining part of West Florida, was taken into consideration by Congress, and, after passing the House of Representatives, was rejected by the Senate. Hence the authority of the Executive remains unchanged, being precisely what it was at the commencement of the present session.

Intelligence has been received here, through the public gazettes, that an additional force of five hundred men have lately arrived at St. Augustine, and that the commandant there had sent a message to colonel Smith, the commander of our regular force opposed to it, that if he did not retire voluntarily he would attack and endeavour to compel him by force. It is not known, if the report of the arrival of these troops be true, whether they be Spanish

or British. If the latter, the contingency, on which the authority in the Executive to take possession of the province depends, has happened ; and if they be black, as is also reported, the presumption is, that they are British.

Since the rejection of the bill in the Senate, the President thinks that it will be most advisable to withdraw the troops from East Florida, provided British troops have not landed in it, and in that event also, provided they be superior to any force which we have in that quarter. In no view of the subject, would it be proper, at this season, to keep our troops there unless we had the means, and circumstances authorized the government to take possession of the whole province, in which case they might be quartered in the most healthy situations.

In taking measures to execute this instruction, the President requests that you will communicate with the Spanish commandant, and stipulate the best conditions in your power in favour of the revolutionary party. It is presumed that considerations of policy will induce the Spanish authorities to accede to your demands, and to observe any arrangement which may be made in their favour.

This object is not to be considered as abandoned. Under the existing law an important duty is enjoined on the Executive, which must be attended to, and discharged, as soon as adequate means can be provided, after the contingency occurs on which it depends. It is also probable, even should that contingency not occur, that the consequences of the war may give a new view of the subject, in the course of the year, and induce Congress, at the next session, to authorize the President to take possession of the country.

In entering into war with Great Britain, it is not the wish of the United States to extend it to Spain, provided it can be avoided consistently with their rights, their honour, and interests. You will apprise the Spanish authorities of this truth. The United States consider West Florida as theirs of right, by cession from France, as a part of Louisiana. In permitting any portion of it to remain in the possession of Spanish troops, since the treaty with France in 1803, they have given a proof of their desire to cultivate friendship with the government of Spain, which

desire has been more evident since the disorganized condition of that power.

Having a claim on Spain to indemnity for spoliation in the last war, sanctioned by the Spanish government, by a convention signed by its minister in 1802, but never ratified; and the Spanish government having treated with the United States in 1805 for the cession of East Florida, with a view to indemnity, the United States have looked to that province, with that view, since. The connexion which has subsisted for some years between Spain and Great Britain, and the actual hostility of the British government to this country, considering the important relation of East Florida to the United States, affording to Great Britain, if it should come into her possession, ample means to annoy the commerce of the western states, and of harassing, by the influence it would secure her over several powerful Indian tribes, our southern and western frontiers, have made it of late more an object to the United States to prevent the occupancy of that province by British troops. The little importance of this territory to Spain, its connexion with the United States, and real importance to them, the just lien which they have on it, are considerations, which, it was expected, would have induced the Spanish regency to have yielded the possession of it amicably to the United States during the war, reserving the conditions of its final cession for adjustment, after the termination of the war. It has caused no little surprise to see a different spirit prevail in that body, and the pertinacity with which the just claims of the United States are resisted. The President desires that you will impress the Spanish authorities with a thorough conviction, that the introduction of British troops into that quarter will be considered as a proof of a hostile disposition in the regency towards the United States, which will produce their immediate expulsion from the province, and its occupation by the troops of the United States, if it does not lead into other consequences.

I have the honour, &c.

JAMES MONROE.

P. S. If the British have landed any force in East Florida, as the contingency alluded to will have occurred,

you are hereby authorized to maintain your ground against it, provided you should be of opinion, that it may be done consistently with a due regard to the safety of our troops.

*Extracts of a Letter from Governor Mitchell to Mr. Monroe. St. Marys, July 17, 1812.*

"By letters which I have received from members of the state delegation, in Congress, I have been induced to believe, that an act would have passed as soon as war was declared, authorizing the President to take possession of the posts, yet occupied by the Spaniards in the two Floridas; and by some expressions in your communications, these expectations were confirmed. Under these impressions I have remained here making every preparation for that event. You may therefore judge of my surprise and mortification at the information I have received by this evening's mail, that the Senate had rejected a bill which had been passed by the House of Representatives, for the purpose of authorizing the immediate occupancy of the entire provinces.

"Enclosed you will receive copies of a correspondence which has taken place between the new governor of East Florida and myself; and by it you will perceive that I have carefully avoided making any proposition for withdrawing the troops, under the fullest conviction that such a step was not intended; and I feel that it is a duty I owe the United States, and Georgia in particular, to assure you, that the situation of the garrison of St. Augustine will not admit of the troops being withdrawn.—They have armed every able bodied negro within their power, and they have also received from the Havana a reinforcement of nearly two companies of black troops. An additional correspondence to that now enclosed, has taken place between the governor and myself, in which I have called his attention to the introduction of this description of troops, and it is my decided opinion that if they are suffered to remain in the province, our southern country will soon be in a state of insurrection. In addition to which I have not the least doubt but that they will be soon farther

reinforced by the same kind of troops from the British West Indies."

"I have ordered such reinforcements to the support of colonel Smith, as I deemed necessary to enable him to maintain his ground, and to prepare him either to meet any reinforcements which might be received by the Spaniards, or to take possession, if ordered.

"Under present circumstances I shall leave this for Milledgeville, by Savannah, in a few days.—Should any imperious circumstances require my presence at a future day, I will return, unless the President shall deem my attendance unnecessary.

"I cannot at this moment make up a detailed account of my expenses, or the expenses incident to the transportation of troops, &c. &c. but it shall soon be sent on. In the mean time I have drawn for my expenses here."

I am, &c.

D. B. MITCHELL.

#### TRANSLATION.

*Governour Kindelan to Governour Mitchell.*

May it please your Excellency,

I HAVE this day arrived in this city, and taken command of it and of the province, as civil and military governour, named by the most serene regency of Spain, who, in absence of our adored sovereign, Ferdinand the seventh, happily reigns.

I advise your excellency thereof, on purpose that the good harmony which ought to felicitate the respective territories under our charge, and more particularly in consequence of being instructed, that on the 17th March last, several American gun boats, stationed in the river St. Marys, entered our waters in a hostile manner, and threatened the town of Fernandina, in Amelia Island, apparently taking an active part in an insurrection, prepared, collected, and from appearances, raised in that country, with the premeditated design of taking possession of the province now under my command, which has actually been the case with a part of it, as the regular troops of the United States are in possession of the aforesaid territory,

and encamped in the vicinity of this city (all of which, as I understand, by the orders of general Matthews,) notwithstanding our respective governments are on the best terms of peace and friendship. The aforesaid proceeding is an act of hostility, which, taken in any point of view, would induce both nations to take part in disputes, that most probably have no other origin, but the ambition and intrigue of a few base and designing revolutionists.

Your excellency must consider that my duty don't allow me the tolerance for a single instant, of the continuance of said troops in the province under my charge, and consequently (although with pain) I shall be obliged, if they do not withdraw, to take disagreeable measures, the sole blame of which must be attached to the promoters of so unjust an aggression; and therefore, in the name of my august sovereign, Ferdinand the seventh, and of the Spanish nation, I invite your excellency's first step to be, an order to the aforesaid troops under your command, to withdraw from the Spanish territory in eleven days from this date, not in the least doubting but that your excellency, well convinced of the powerful motives which I have for exacting this demonstration of your sincerity, will readily carry it into effect, as it is so interesting to humanity and the happiness of the frontier.

Your excellency may be well persuaded that under all other aspects and circumstances, I would wish to render you my services, from the high consideration I have for the virtues which adorn your personal character.

This will be delivered to your excellency by Mr. Joseph M. Arredando, and I beg your excellency will be pleased to return by him your answer as soon as possible, granting him a passport for this place.

May God preserve your excellency many years.

SEBN. KINDELAN.

St. Augustine, E. F. 11th June, 1812.

The above is a true translation from the original, done by the superior orders of his excellency, the governor.

B. SANCHEZ.

St. Augustine, E. F. 11th June, 1812.

*Governour Mitchell to Governour Kindelan. St. Marys,  
June 16, 1812.*

SIR,—I have the honour to acknowledge the receipt of your letter, dated at St. Augustine, the 11th inst. handed me by Mr. Joseph Arredando.

On the 9th of last month I made a communication to the gentleman then acting as governour of East Florida, in which I declared, in the name of the government of the United States, that the use made of their troops in the late transactions in East Florida, was unauthorized by that government. Immediately after making this frank declaration, which I presumed to have believed ought to have been received as evidence of the friendly disposition of the United States government to that of Spain, and before I had time to reply to the answer I received, an attack was made upon the troops of the United States by a party from St. Augustine.

This attack being made at a moment when I was proceeding to offer, and had in part offered the most sincere and friendly explanations on the part of the United States for the part they had apparently taken in the late transactions in East Florida, precluded all farther efforts on my part to continue the correspondence, believing as I did that it was an indignity wantonly offered to the honour and integrity of the government I represented.

Under the impressions which this transaction was calculated to produce, and which you, as a man of honour and a soldier, can readily conceive, I am persuaded you do not expect me either to withdraw the troops or to make any proposition for that purpose, until such explanation be given for the attack made upon them as will evince the sincerity of the desire you express of seeing the harmony of the two countries preserved, and be consistent with the honour of the United States to receive. In the mean time, should your excellency proceed, as you intimate you will, to acts of hostility upon the United States' troops, after the expiration of eleven days from the date of your letter, without having satisfied the just expectations of the President, as to the cause of the attack made upon them,

of which I have already spoken; be it so: I shall regret the circumstance, but you alone will be answerable for all the consequences which may result from such a proceeding. I can make any sacrifice of my individual feelings when placed in competition with the welfare or happiness of my country, but the honour of the nation can never, not for one instant, be called in question.

I can assure your excellency, with the greatest sincerity, that if you commence hostilities, with the intention of driving the American troops from their present station, you will then find, by experience, that the forbearance of the United States hitherto has proceeded neither from the want of power nor provocation, but from considerations arising out of the present unusual and critical situation of the Spanish monarchy, and a sincere desire to avoid hostilities with a nation with whom they have been so long in harmony. I have the honour, &c.

D. B. MITCHELL.

*Extracts of a Letter from Governour Mitchell to Mr. Monroe. Executive Department, Georgia, Milledgeville, September 19, 1812.*

"In my letter of the 17th July, written at St. Marys, two days prior to the receipt of your despatch of the 6th July, I gave you in a few words my opinion of what would be the situation of our southern frontier, if the United States' troops were immediately withdrawn from Florida, and every day's observation and experience since has confirmed me in the opinion I then entertained."

"If" (St. Augustine) "was once in our possession, there is no probability that any European power would ever attempt to retake it; the natural and artificial strength of the place is such, that with a good garrison of American troops, it could not be taken but by regular siege, and by a power having the entire command of the sea, and the besiegers must not only have the command of the sea, but the besieging army must be stronger than the garrison and any land force the United States could send to its relief. It would therefore require a force to retake it from us superior to any that any European power would think of sending against it."

" The governour of St. Augustine has had sufficient influence with those Indians (a part of the Creeks) residing in Florida, called the Seminoles, to induce them to fall upon the defenceless settlers on the St. John's and on our side of the St. Mary's. On the St. John's they have killed and scalped eight or ten persons, and on the Georgia side of the St. Mary's they have killed and scalped one and wounded two more, besides driving off from both places a large number of negroes and stock of every description. The same governour has proclaimed freedom to every negro who will join his standard, and has sent a party of them to unite with, and who are actually at this time united with the Indians in their murderous excursions. Indeed the principal strength of the garrison of St. Augustine consists of negroes, there being but a few militia of the province in the place who adhered to the royal government when the revolution broke out, and about one hundred effective men, the remains of an old battalion of regular troops, whom it is understood would surrender without firing a shot. Independent of all this, what would be the situation of Amelia if it was evacuated by the American troops? The entrance to it from the ocean is at St. Mary's bar, and the waters of St. Mary's river would be common to the Spaniards, and consequently the British as well as ourselves. The bar is a very fine one, of easy entrance, with twenty-four feet water. The statement of these simple facts will unfold to your view what our situation would be, was the place evacuated. It is also a fact that most of our male negroes on the seaboard are restless and make many attempts to get off to Augustine, and many have succeeded, which, considering the disproportion between our white and black population in the same part of the state, renders it necessary to have constant guards and patrols, which harass our people exceedingly.

" Although the circumstances I have stated may be said to present a local view of the subject only, yet in my opinion it goes a great way in support of those general views which the government have of the subjects, and on which they founded strong expectations that Spain would have consented to an amicable transfer, subject to future friendly negotiation.

"I left St. Mary's so soon after the receipt of your despatch, and have been so long confined since my return, that I have not been able to communicate with governour Kindelan since. I am now despatching a messenger to him, in compliance with the request of the President in your last letter, and the moment I receive his answer I will enclose copies of the correspondence.

"From what I have already said, you no doubt anticipate the fact, that I have not withdrawn colonel Smith and his detachment, but I trust you will at the same time do me the justice to believe that I shall not suffer any sacrifice of that detachment, either as to health or the enemy. I have given to colonel Smith, who is a judicious, vigilant, and brave officer, discretionary orders to act as circumstances may occur. The rains have been so incessant and heavy this summer and fall, that several of colonel Smith's men have been afflicted with colds, but when I left St. Mary's there was not a case of fever in camp that did not proceed from that cause. Augustine and its neighbourhood is considered the healthiest situation on the American coast.

"I trust the President will not send any peremptory order to recall the troops, but that he will let us gain a little time, and probably some circumstances may arise out of our present situation that will bring us relief. I am hopeful the President will have less objection to this course, from the consideration that if there be any probability of the contingency provided for by the act of Congress, happening, which admits of the application of force, and if that contingency shall happen by the presence of a competent British force, it will cost the United States more blood and treasure to possess St. Augustine than it would to reduce the city of Quebec.

"The construction of the fort of St. Augustine and the materials of which it is constructed renders it a very formidable post. It is washed by the sea water upon one side and has a thirty feet ditch on every other, always wet, the walls to the parapet are thirty-six feet high and fifteen thick, and the parapet is six feet high and of equal thickness; it is bomb proof, mounts sixty odd heavy pieces of ordnance, and can contain a garrison of at least one thousand men. The materials of which the fort is constructed

also add greatly to its strength and security. It is built, not as has been generally thought, of what is called tabby, or lime and shells mixed, but of large blocks of concrete of marine shell found in a large mass on an island directly in front of the fort. On this mass shot has no other effect than to make a hole of the size of the shot, which will penetrate to a depth more or less in proportion to the distance from which it is sent and weight of the shot, and never cracks or breaks the wall. Hence it would occupy an immense train of battering cannon for a considerable time before any breach could be made in the wall. Under this view of the subject I have always considered the act of Congress as unfortunately worded, that there must be "an attempt to occupy" before any force could be applied, on our part, and in the particular instance of St. Augustine, an attempt and the actual occupancy are the same thing, for it is open to the ocean, and in making the attempt, they would complete their landing, and be in full possession of the fort before you could bring a man to oppose them, even supposing you should have five or ten thousand at Point Petre, which is the nearest station you could occupy and remain within your own territory.

"When I first embarked in this business, I was desirous of having an opportunity of withdrawing the troops, because after the declaration that they were there without the authority of government, I conceived that the government were in honour bound to do so, if any security could have been obtained for the safety of the lives and properties of those who had embarked in the revolution, under the fullest assurance that they would meet the support of the United States; for, to have abandoned those people would have been cruel in the extreme; but I could never see what kind of security I could receive which would be effectual, unless they had ceded Amelia, and all north and west of the St. John's, and this I did not expect, neither was I certain that the President would so construe the act of Congress, as to accept of a part of the territory. When in this dilemma, the bad conduct of the Spaniards came to my relief, in the attack made upon colonel Smith's camp, at the very moment when I was giving them frank and candid assurances of the friendly sentiments of our government, and of their wish to restore matters to their original

standing. From that moment I ceased to communicate with the person then in authority in Augustine, because I believed it to be a gross insult offered to the honour and integrity of our government. The President's sentiments upon this point I solicited, but never received them: probably it was improper I should.

I have the honour, &c.

D. B. MITCHELL."

*Mr. Monroe to Governour Mitchell. Department of State,  
October 12, 1812.*

SIR,—I have had the honour to receive your letter of the 19th ultimo, from Milledgeville, acknowledging the receipt of mine of the 6th of July, and communicating the state of our affairs with the Spanish authorities in East Florida, at the time you left Savannah.

The President finds with regret, that the governour of East Florida has declined entering into an engagement with you, to secure from molestation or harm, such of the inhabitants as had been encouraged by governour Matthews, in a mistaken view of his powers, to engage in certain revolutionary measures there; and also, that at the time when a fair and just provision in their favour was under discussion, he had made an attack on the troops of the United States, under the command of colonel Smith, who had been necessarily advanced for the safety and protection of these people. It appears also, that in the same spirit the governour of East Florida had excited the Indians to commit acts of hostility against the United States, and that there was serious cause to apprehend, that under his influence, the combination of the Indian tribes against us would be increased, and their aggressions be proportionably more extensive and injurious.

The conduct of the governour of East Florida, has excited much surprise, more especially when the liberal and friendly conduct of this government towards Spain is taken into consideration. As soon as it was known that general Matthews had transcended his powers, the President revoked them and committed them to you, with authority to restore the territory to the governour of the province, on

the condition, that satisfactory assurance should be given you, that the people who had acted at his instance, on the faith of the United States, should not be punished or molested for it. It was hoped and presumed that this condition would have been promptly acceded to, or rather that a just policy would have anticipated it. It was impossible to foresee that the frank and liberal proposal of the United States, to restore the territory to the Spanish authorities, after disavowing the conduct of their own officer, and displacing him, whereby the authority of Spain would have been confirmed over it, under their sanction, would have been met by acts of direct and open hostility.

The wrongs heretofore received from Spain, with which you are well acquainted, independent of other considerations, of sufficient weight in themselves, would have justified the United States in taking possession of that province, as an indemnity to our citizens. These wrongs have been borne, in the expectation that the motive could not have been mistaken, and that the period was not remote, when the Spanish authorities, by whomsoever wielded, reciprocating a similar sentiment towards this country, would make ample reparation for them. To abandon the people who had relied on the faith of the country, however improperly pledged, to the resentments of the Spanish authorities, which evidently awaited them, while the government of Spain made no recompense to the United States for losses, or atonement for insults, would have been inconsistent with the sympathies due to their situation. To do it after the outrages more recently received, which you have communicated, without a satisfactory arrangement, would be still more reprehensible.

On a full view of your conduct in this important and delicate transaction, I am happy to communicate to you the entire approbation, and the thanks of the President. In accepting the trust, you gave a proof of patriotism, and the discharge of its duties has been distinguished by the abilities and judgment, which the nature of the case required. That more precise instructions were not given you, for the reinforcement of the troops under the command of colonel Smith, in case the Spanish authorities should refuse to give you the satisfactory assurance desired in favour of the people in East Florida, to whom the pub-

lick faith had been pledged, proceeded from a hope and belief, that that contingency would not happen, and a confidence, if it did, that your judgment, looking distinctly to the nature of your trust, and its duties, would supply the omission.

The President is aware that your duties in the office of chief magistrate of Georgia, which will now become more active, will render it difficult, if not impossible for you in future, to execute those with which you have been charged in regard to East Florida. Willing to relieve you from that burden, he proposes to transfer the powers lately committed to you, to major general Pinckney, with whose situation and functions, they have a convenient relation. I have therefore to request that you will have the goodness to communicate with him on the subject, and to furnish him with such information as may be useful to him.

I have the honour, &c.

JAMES MONROE.

*Governour Mitchell to Mr. Monroe. Milledgeville, October 13, 1812.*

SIR,—The affairs of East Florida have assumed, within a few weeks past, a very serious and alarming aspect. As I had the honour to state to you, in a former letter, the governour of St. Augustine has succeeded, in stirring up the Seminole Indians (a part of the Creeks) to a state of open hostility with us. They have broke up the settlements on St. John's, have driven off the people's slaves, and stock of every description, and destroyed what they could not carry off. They have also, a part of them, gone into Augustine, and colonel Smith's letter, a copy of which is enclosed, will inform you of their object there. Colonel Smith had determined, under the discretionary orders which I had given him, in consequence of his men having become sickly and the departure of the volunteers, to remove to a healthy position on the St. John's, and only a few days before he began to put that determination into execution, his party, escorting the provision wagons, was attacked by a motley set of black and red savages. Colonel Smith is now, however, both in a secure and healthy situation, but

his force is weak, when every man, under his command, is fit for duty. Under the present circumstances, if colonel Smith was withdrawn or compelled to retire from the province, it would be attended with the most fatal consequences to Georgia, and indeed nothing short of the whole military strength of the state, being brought to act against the Indians and negroes, would, in my opinion, save her from the very worst evils imaginable. To reduce the state to such a situation cannot, I am certain, be either the intention or the interest of the general government, and I shall therefore confidently hope, that the Secretary at War will be required to order the United States commanding officer in Georgia to order all the disposable force here under colonel Smith. Could a company of artillery be possibly spared, they would be of vast importance to his command. Whatever additional force may be ordered, I hope and trust it will be under an officer inferior in point of grade and date of commission to colonel Smith, for he has borne the brunt for a long time, and in justice to his feelings and merits, he is entitled to command the troops that may be in that province until the business is settled.

By next mail I expect to have it in my power to send you some documents from the Indians themselves, that part of them who profess friendship for the United States.

I am, sir, &c. &c.

D. B. MITCHELL.

*Colonel Smith to Governour Mitchell. Depot, Davis's Creek, 20 miles north of St. Augustine, September 22, 1812.*

SIR,—The period has at length arrived when it is absolutely necessary to order a respectable reinforcement to aid me in the reduction of St. Augustine, and the destruction of all the Indian settlements in this province, or that we should be withdrawn; the latter would be to me the most painful movement of my life, and I hope your excellency will order the force necessary to effect the former as soon as possible.

The escort with the provision wagons, under the command of captain Williams, was attacked on the 12th instant, by a party of Indians and negroes from St. Augustine, to the number of fifty or sixty. Captain Williams's command consisted of a non-commissioned officer and nineteen privates, besides drivers. Captain Fort, of the Milledgeville volunteers, was with the party. The attack was made at the 12 Mile Swamp, between 8 and 9 o'clock at night, and lasted about twenty-five minutes. The result was unfavourable to us, having lost our wagons; had both the officers, and six privates wounded (captain Williams in eight places, and I fear mortally) and the non-commissioned officer killed. Captains Williams and Fort acquitted themselves highly to their honour, and would have been victorious, beyond a doubt, if either of them had escaped for a few minutes, as an order had been given to charge, and the enemy began to give ground. The Indians fled the second fire, yelling like devils. I would have made an effort to take St. Augustine immediately, but my detachment is so reduced by disease, that I cannot furnish the necessary camp guards. I expect to remove to a healthy situation on the St. John's in a few days, and if the volunteers (gone at present against the Lotchaway towns) will consent to serve to the fall of St. Augustine, I will procure, without delay, the necessary transport and supplies, and invest it closely the moment that three or four hundred additional men can be raised for that service. The volunteers have been very unhealthy, as many as one hundred and five on the sick list at a time, and I am fearful, I shall not be able to get more than one hundred and twenty of my detachment on their legs in time. Captain Neeley died on the 20th instant; his men have acted like veterans; without shoes or indeed clothing of any kind, they have always been ready for any duty they were ordered on. They would be infinitely more serviceable if they could be clothed. I hope your excellency will devise some plan by which they can be supplied, as the laws of the United States do not provide for clothing volunteers. The following is the plan I have in view, if a reinforcement is sent on: My detachment, one hundred and twenty; volunteers, one hundred and fifty; then wanting three hundred, making five hundred and seventy, to be disposed of

as follows : twenty at Picolatta, forty at the depot, at Six Mile Creek, a block house to be thrown up, forty at the Big Swamp, with a block house, being about half way, two hundred and fifty on the neck, formerly occupied by me, with two field pieces to prevent boats going up the north river, two hundred and twenty, with the heavy pieces and a strong redoubt opposite the lines by the Soliwoes ferry. This arrangement will prevent any communication with the Indians, and secure the convoys with provisions : if they should be supplied by the British, it will then be an easy matter to destroy the towns, and see what effect that will produce. There should be an allowance for sick, lame, and lazy, as a smaller force capable of duty, will not secure the fall of the place.

The dons did not attempt to molest me, on my way to this place. I commenced the movement about ten o'clock, and set fire to my huts, which was no doubt a pleasing sight to them.

The inhabitants have all abandoned their houses with as much of their moveables as they could carry with them ; some have stopped on Amelia Island, but I believe the greater part have gone to Georgia. The province (never thickly settled) will soon become a wilderness.

A Spaniard who escaped from the Indians informed me that they intended to attack St. Mary's as soon as they had given us a little employment here ; they made an attack some time since on Picolatta, but were beaten off. They succeeded, however, in burning the trading houses, with what was in them.

I have the honour, &c. &c.

F. A. SMITH, Lt. Col. Riflemen.

*Governour Mitchell to the Secretary of State. Milledgeville,  
October 19, 1812.*

SIR,—I have received from colonel Hawkins, the agent for Indian affairs residing among the Creeks, the papers of which the enclosed are true copies. By these, it would appear, as if the Spaniards at Pensacola and St. Marks, were in the daily expectation of assistance from the British, and of large supplies of arms and ammunition for the

Indians. I think we are in the present situation of affairs, bound to believe their own declarations, and if we do, we have reason to regret the words of the act of Congress, which restrains us until there is an actual *attempt* to take possession ; for as I have heretofore observed, in these reports, the attempt and the occupancy, as respects the British, are the same thing. It appears also by the enclosed, that the Seminole Indians within the Florida line, are determined upon war with us, and that they are set on by the Spaniards. The conversation of the commandant of St. Marks, with Fear'd the Cussetau chief, is conclusive evidence of this fact, if we had not more convincing proof by having felt their cruelties on our frontier, by the murder of our inhabitants, and the plunder of their property. I have as yet, taken no other steps on this subject, than mere precautionary ones, to guard against any sudden irruption by these savages on our frontier, but should they make their appearance on this side of our boundary, or near it, in a menacing and warlike aspect, the President cannot be surprised, if I order them pursued into their own territory, for I cannot think of suffering them to come into ours. If they are determined upon hostilities, and I have no doubt but they are (I mean the Seminoles) it will be far better for us to meet them in their own towns, and punish them there, than to wait for their approach or arrival among our settlements. Those of them, who are disposed to be at peace with us, shall not be molested. I sent to demand that those who had committed the murders on the St. Mary's, of which I informed you in a former letter, should be given up to the civil authority of Camden county, there to take their trial, and I received no other satisfaction than, that they received nothing from the United States, and that their head man, Paine, was at war with the Americans, and was then out on the St. Johns and St. Mary's with a war party from the Lochaway and Alligator towns. We have therefore nothing to expect but, that they will do us all the mischief they can, if we do not anticipate their intentions by meeting them in their own territory.

Every letter which I receive from Mobile and other parts of our western country, assure me, that the British carry in American vessels to Pensacola, and that they are

there permitted to condemn and sell them. This circumstance is certainly a breach of their neutrality, and when taken in conjunction with the recent attack upon colonel Smith's convoy, is an evident proof to me, that they are disposed to be hostile to us, and that they derive confidence from the certain expectation of British support. I have no doubt, if we do not get possession of Augustine before the expected British fleets arrive upon our coast, but that they will throw troops into both Augustine and Pensacola, and if they do, the situation of the southern section of the Union, will be a deplorable one indeed. Colonel Smith, in his letter of the 22d of September, a copy of which, I had the honour to transmit in my letter by last mail, speaks of the attack made upon his convoy, as an open declaration of hostilities on the part of the Spaniards, which he would have immediately resented, if he had had a sufficient force. His present situation is on the St. John's, about forty miles from Augustine, and is not only a very secure, but a very healthy one, and where he is capable of defending himself against any force at present in Augustine, or he can retire at pleasure, having the command of the river. His expectations of taking Augustine, are founded on the belief, that the measure will be authorized as soon as Congress meets, if the hostilities already commenced by the Spaniards, should not be considered as authorizing it sooner, and on the reinforcements which he may receive. I have not sent any more volunteers to him since the detachment whose term of service expired on the last of September, because he had determined on retiring to the St. John's as soon as they left him, and long prior to the attack made upon his convoy ; but his removal was deferred until the last moment, on account of some of his sick, whose situation made it dangerous to remove them ; he however finally effected it without loss. Under the present circumstances and aspect of affairs, I shall endeavour to have a force organized under the orders of colonel Smith, and ready to execute any order the President may think proper to give, either before or after any decision which Congress may again make upon the subject.

The last sentence in colonel Smith's letter corroborates the information I have received from other quarters, of the determined hostility of the Florida Indians to us, and I

am perfectly confident that nothing short of chastisement in their own towns, will restrain them. Indeed I am fearful that a number of the young and thoughtless fellows of the Creeks within our line, will be induced to join them under the allurements held out to them by the Spaniards, and particularly if a supply of British goods should arrive at the places mentioned by the commandant of St. Marks, to Fear. These details concerning the Indians, have no direct reference to the instruction under which I act for the government, but inasmuch as they have in some measure grown out of the affairs of Florida, by the intrigue and arts of the Spanish officers, and the peace of Georgia is likely thereby to be disturbed, have thought it but proper to apprise the government of all circumstances of any importance, which occur from time to time on this frontier.

With sentiments of high respect and esteem, &c.

D. B. MITCHELL.

*Copy of a Letter from Colonel Benjamin Hawkins, Agent of Indian Affairs, Creek Nation, to His Excellency David B. Mitchell, Governour of Georgia. Creek Agency, Sept. 20, 1812.*

I SEND you the report of the mission sent to the Seminoles. It is long, but I preferred sending the whole to abridging of it, that you may have as correct a view of occurrences in that quarter as I have. The Spanish commandant at St. Marks explained himself clearly to Fear. I have added to the report, some information obtained from Mr. Barnard, of Alligator Hole, and Alilotcherwau. The chiefs of the Creek nation are to convene at Tookaubatchu on the 22d October, to which they have invited the Choctaws, Chickasaws, and Cherokees.

The capture of general Hull's army to the northwest being among the wonders of modern warfare, if a sufficient force is not immediately applied to recover what was lost, the Indians in that quarter will be active against us, and some of them will be among us to endeavour to draw our Indians into the vortex of British influence. If the supply of arms contemplated by the St. Marks commandant arrives, and the British force at the points mentioned by

him, or either of them, I suppose you will then have authority under the act of Congress to take possession of East Florida, and to apply a military corrective to the Alligator people.

I am, respectfully, &c. &c.

BENJAMIN HAWKINS.

*Tuskegee Tustumugee to Colonel Hawkins. Copy of a Report made by Tuskegee Tustumugee, otherwise called "Big Fear," to Colonel Benjamin Hawkins, Agent of Indian Affairs, Creek Nation, enclosed in a Letter to the Governour of Georgia, by Colonel Hawkins, dated Sept. 20, 1812. Creek Agency, Sept. 18, 1812.*

WE of Cusotau with the Cowetau chiefs have executed our long and fatiguing mission, and I am now to inform you of what has occurred. We had a meeting at Cowetau with Mr. Cornells and some chiefs of the upper towns; these appointed the meeting for the Seminoles, sent it to them, and particularly to Paine, the Autotchervau, to attend. It was once talked over at Ocheubosau and agreed that all the red people hereabouts should be as one people, friendly among each other, and towards their neighbours—Upon this we were sent to the Seminoles to put them to rights: when we arrived at Aumucculle we were informed by Youhau Tustumugee, that the talks of the nation had been sent to the Seminoles, and when we got to Miccosooke, we should know what they would be at. It had been reported that Mr. Paine had altered the talks of the nation. When we got to Miccosooke we were met by the chiefs of the towns belows us, Chiskitalloafoochee, and all the others. When we had met, Kinhijee the Micco of Miccoo Sookee told us he was glad we were come, some of his people had been talking foolishly, but he had put a stop to it. When we got to Miccosooke, we asked Kinhijee to inform us of every thing, he said he would do so; that Mr. Paine had informed him he had been to St. Augustine and had a talk with the commandant of the United States there;\* when

\* Supposed to be general Matthews, that had had a conference with him at Piccolotta.

Mr. Paine had the conversation with the American officer, he said, I am the representative of the Americans here, set you down at home and mind your business, and I will be your friend. At the time the American officer gave this talk, some of Paine's men said they believed the American officer meant to amuse and deceive them. Mr. Paine said not, he could not believe he would do so. The men of Mr. Paine said, we believe this talk is to amuse and deceive us, we will go home and put our children out of the way. After this Mr. Paine had a talk with another officer. At this talk the officer said, "I find you suspect us, we look on you as the Mucogee nation, we are your friends, and mean to be your friends, you need not suspect us." This officer repeated, "You suspect us, you are wrong; sit down and take care of your women and children. The head of the American government has put us down here with arms in our hands to defend ourselves. We have nothing against you, and believe us your friends; we are so, and wish well to you." This officer told Paine, "Set down and be friendly, our great man has placed us here, not to do you any injury. You have large stocks of cattle, when we want beef we will send to you, do you send them down, and we shall have something to pay you for them." After all this, instead of listening to that talk, they have thrown it aside, taken up arms, and done mischief. Before Paine left the American officer, a negro came from Augustine, who speaks Indian, and told Paine's Indians "These fine talks are to amuse and deceive you, they are going to take your country beyond St. Johns, the old people will be put to sweep the yards of the white people, the young men to work for them, and the young females to spin and weave for them. This I have heard and this I tell you." After the Indians heard the talk of the negro they believed it, immediately brought off thirty-five negroes from both sides of St. Johns. A party went to the head of St. Mary's and killed a man who kept a store on the American side of that river, not far below Trader's Hill, they burnt the store house; there was powder in the house, and it blew up. The Alligator Hole people, and the Autotchewau people were jointly concerned in it. When Kinsujee told us this, he added, he was satisfied the red

people were encouraged by the Spaniards to do what they [had] done.

After hearing these things, we began and told the attending chiefs our mission, that among us we were in peace with white people, and meant to live so. We repeated every thing among us, and told them they were Creeks, although a wild people, they must restrain themselves, listen to the Creek chiefs, as the Seminoles and they were one and the same people. We repeated every occurrence, beginning with our treaty at New York. After hearing all they told us, they would set down quietly and take the talks of the chiefs of the Creeks. We had all present in that quarter except the Alligator and Autotchewau Indians. We were informed the Spaniards had been offering them arms and ammunition; we told them to reject them and have nothing to do with war talks, to be suspicious of every white people who offered them arms, and to set down in peace and friendship with all colours. If you deviate from this talk you involve yourselves and all the Creeks in ruin; accept not of war implements from any people, nor listen to their war talks. If you do you bring ruin on all of us, you will most assuredly lose your country: you have heard our talks, the Autotchewau and Alligator Indians are a great way from you, they have thrown themselves away, and must abide by the consequence. You must take care, you are one people with us, if you take our talks, and if you do not we shall throw you away.

The talks of our old chiefs will save us. If you reject them you are a lost people. We told them to remember past times. The British encouraged you to war, and we all know what happened to us then. We are now surrounded by white people who are friendly, and we must take care how we make them our enemies. After we said all we could, the Indians present told us, they would do as we had directed, and that they were unanimously agreed to this.

After this meeting terminated, I went with some Indians to St. Marks, and have something to tell you from them. I told the Spaniards, I had visited them with friendly intentions. Our old people who used to visit them, were dead and gone, and I had come on a visit, to a people I

look on as my fathers. I told the Spanish commandant, you white people put mischief into the heads of the Indians; you remember Bowles, how he brought mischief among us, and took this fort from you. We afterwards sent him off, and since have been quiet. You white people raise difficulties among one another, and embarrass us with them. You kindle fires among us which you cannot extinguish, and it pesters us to do so. We have each our land marks, keep within yours. I told the ill consequences attending this interfering with red people. They knew the Indians sent off Bowles, which was an act beneficial to red and white people, it saved both from trouble and difficulties. We have a man, colonel Hawkins, sent among us, to direct us; he constantly urges us to a peaceful conduct towards all people. The commandant replied, the talks you give us are very good. We are at war. I expect the British soon at St. Augustine, Pensacola, and at this place. I expect soon to receive guns, knives, hatchets, and ammunition, for the red people, and when it arrives you may have it, if you will. The red people are our friends; it will be here for them, and they may have it if they will. After the commandant offered us these arms, I told him I was surprised at his offer, after what I said to him.—You Spaniards call yourselves a great people; the British also are a great people; and so are the Americans. If you three are at war, settle your affairs among yourselves. I think you degrade your national character, in offering these things to the red people; we have no occasion for them, and I have told you so. You Spaniards are seeking our destruction; it must be you who set the Autotchewau people at war? And you are now offering them to us. I have told you our course; it is peaceful, and you seem desirous to involve us in ruin, as it will be, if we are involved in white people's wars. I have found out, it is your business here, to bring the red people into difficulties. The English have done the same to the northward; there is no difference in your conduct, destructive to the peace and very existence of the red people. I told him the red people consented to a road through their country, for the accommodation of their white friends. Last winter blood was spilt on the road, which embarrassed us,

and we were compelled to give satisfaction. Some of our stragglers also had been to the northwest, and spilt blood ; this we are exerting ourselves to satisfy, being determined to be in peace with all nations, and to secure the road through our nation as a road of peace for white people. I told him that the Chickasaws, Choctaws, Cherokees, Creeks, and Seminoles, were in our talk, as I had expressed, and when our nation with the other met, I shall inform them how he was an encourager of war. I am going to leave you, when our chiefs meet, you shall hear from us again ; after this he gave me a friendly smooth talk, he said, he was glad to hear that my talk was so pacifick ; that as I had come as children of Spain, and stated that war talks was offensive to the red people, he would not offer them our war habiliments. If the red people acted as they had said, they would have no enemies, but accidental, such as snakes and thunder.

Returning I told the Micco Sookee people, not to have any thing to [do] war with the mad Indians, warring on the St. Johns ; to throw them away, not to let them come into their land, and listen to the talks of the nation. This they assured me they would do. The Spanish commandant said he knew every thing that was going on at the American government, and as the red people had come as children to him, their father, he would tell them what he knew was intended as injurious to them. I have news from the government of the United States ; they have not, but the people of Georgia have evidenced a determination to do something injurious to the red people and Spaniards. Do you know any thing of a disposition hostile to the Spaniards among the people of the United States. I replied, you are under a mistake, if you think Georgia is alone. You Spaniards, and the English are one people ; your ships are disturbing the American trade every where, and they are arming every where. You have or will have arms at St. Augustine, St. Marks, Pensacola, and the British at every post to the northwest. The people of the United States are arming at all points, in Georgia, Tennessee, Kentucky, and all around. The commandant then said as I told you, I would tell you what I know. I now inform you, you have a beloved man among you, on Flint

river. He has money, and puts it into the hands of the chiefs ; bribes them to listen to him ; he is soon to have a fort over Flint river, and will take your land. The old chiefs, who receive money from him will not see this, and the young people are to be cheated out of their land ; this I can see plainly. I replied, colonel Hawkins is with us, he is sent to keep peace among us, to keep peace with the white and red people, and he does so. We have sold lands to Ocmulgee, and receive pay annually ; this money is brought to the trading house, at fort Hawkins, there we get from the hands of the United States' factor, what is assigned to us. Colonel Hawkins gives us none, and has no land talks for us. He then said, you red people must have an eye to colonel Hawkins, he has got a road through your land, let not waggons go through, he will soon have forts. You must be cautious not to let the American troops pass on that road. If they come against us by water, I care not more than the pairing of my nail for them.

*Question by Colonel Hawkins.*

How many white people have been killed by Paine's people ? Answer, eight ; but expect some more have been killed since. Have you heard of a boy killed and one other wounded above Trader's Hill ? No, I have not. What Indians are concerned in committing outrages on the people of Georgia, on St. Mary's ? An Ooscoochee man who went there, a boy, led Paine's brother to do the mischief.

Have you heard of Tusseky Abbe and any other of the upper towns being among Paine's people ? He is there, and several of the upper towns, who have been there a long while. Some fled for crimes, and some gone there for curiosity. How many gun men do you suppose there are at Autotchewau and Alligator Hole ? We have talked it over. There cannot be more than 200. How many negro gun men can be collected to go to war with these wild people ? We think 40. The whole number of black

people we know not. There are about 100 Spaniards at St. Marks.

**TIMOTHY BARNARD,**  
Agent and Interpreter.  
**CHRISTIAN LIMBOUGH,**  
Assistant Agent for I. A.

I certify the foregoing is a true copy from the original.  
**CHRISTIAN LIMBOUGH,**  
Assistant Agent for I. A.

THE following is a paragraph added by colonel Hawkins, describing the two Indian towns called "Autotchewau and Alligator." Autotchewau is nearly s. w. of Picolata 80 miles. It is the name of a pond, 15 miles long and 3 broad at the widest part: its length is nearly n. and s. In dry seasons about three parts dry up; on the dry parts a small reed, called by the traders maiden reed, grows quickly 6 or 7 feet high, extremely nutritious, on which horses and cattle fatten in short time. The pond is surrounded generally with open land, pine, covered with saw palmetto, and wire grass. The pine barren comes generally to the water's edge. Some small spots of oak woods adjoins the pond in detached parcels, on which the Indians plant; their settlements are scattered. On the south, and about two miles from the pond, there is a swamp, with good planting land on its margins, here the negroes have their fields and their settlements between it and the pond. The Indian settlements are on the w. and n. w. side. The path to Picolata is in open pine land, with saw palmetto, and wire grass, with cypress ponds and small bay galls.

Alligator Hole (called by the Indians Albutchooteat Alligator House) supposed to be 100 miles from Picolata, nearly w. 30 miles from Okefinocau swamp, and 70 or 80 from Trader's Hill. This is a pond nearly round, 4 miles diameter, good oak and hickory land around it, no swamp. The way to Trader's Hill is open, some sand hills, small bay galls and cypress ponds, pine land, with saw palmetto and wire grass.

## E. No. 2.

## GENERAL PINCKNEY'S CORRESPONDENCE.

*Mr. Monroe to Major General Thomas Pinckney. Department of State, Nov. 3, 1812.*

SIR,—The President having committed to you the command of the troops, in the southern states, and, with it, the management of our concerns in East Florida, confided in the first instance to the late general Matthews, and afterwards to governour Mitchell, of Georgia, I have the honour to transmit to you the instructions and correspondence with those gentlemen, which have relation to that subject. You will consider these instructions as forming the rule of your conduct, in discharging the duties of this highly important trust.

In making this communication to you, I avail myself of the opportunity it affords of recalling to your recollection the acquaintance and friendship we formed in early life, at a most important epoch to our country, in the same quarter of our Union, and to assure you that the same sentiments have always been, and are still cherished by me towards you, with unabated warmth.

With great respect, &c.

JAMES MONROE.

*Mr. Monroe to General Pinckney. Department of State, December 8, 1812.*

SIR,—I have had the honour to receive your letter of the 14th ult. with its enclosures.

In transferring to you the important trust, relating to East Florida, the President intended to vest you with all the powers which had been committed in the first instance to general Matthews, and afterwards to governour Mitchell. The powers of both those gentlemen were the same, as to their original objects. Additional instructions were given to the latter, founded on the acts of the former, which were disapproved. To these you likewise succeeded. To enable you to discharge the duties of this trust with advantage, copies of all the documents relating

to it in this office have been forwarded, and Governor Mitchell, whose conduct in it has been entirely satisfactory to the President, will doubtless have communicated to you such information as he may have acquired more recently in regard to it.

This trust, from the duties incident to it, partakes partly of the civil and partly of the military character. It authorizes the acceptance of the province from the local authorities, should they be disposed to cede or surrender it to the United States, and to take possession of it by force, on a certain contingency, that of an attempt to occupy it by a foreign power. With the local authorities, an amicable arrangement only has been contemplated, which implies of course an amicable negotiation.

Force, with them, could not be resorted to, except on the contingency above mentioned, in which case it was to be applied, whether the attempt was made with or without the consent of the Spanish authorities.

In consideration of the wrongs which the United States received from Spain in the last war, for which no reparation has been made, they would have been justified in taking possession of such portion of the Spanish territory as would indemnify them. It is believed that other powers would have taken that step. In abstaining from it, the United States have been governed more by a spirit of moderation, and a sensibility to the peculiar circumstances of the Spanish monarchy, than by any apprehension of the Spanish force.

In proposing to the Spanish authorities an amnesty in favour of the people, who took part in the revolutionary movement, the United States relied on their high claim, founded on former injuries, which would have justified their taking possession of the province. By revoking General Matthews' powers, which could not be done without regret, as he was a revolutionary officer of merit, and had erred by excess of zeal only, and by ordering the territory to be restored to the Spanish authorities, at a time when they were almost overwhelmed, the United States gave a strong proof of their moderation and friendship for Spain. Had the Spanish authorities availed themselves of that occasion to evince a similar disposition towards the United States, by an act of kindness to those

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odation would not have been rendered, however, manifested a different spirit, part. The suggestion of an amnesty, disdain, and an attack made on the United States while governor Mitchell was in relation with the Spanish authorities on

relation between Great Britain and the United States it was to be presumed that the British government would, in the present state of affairs, have a complete ascendancy over the Spanish councils.—This anticipation has been confirmed in regard to East Florida. We have seen this province, which bears, geographically, a very delicate relation to the southern and western states, made instrumental to the views of the British government, in every mode in which it might annoy us. Even before the present war with Great Britain, its ports were taken advantage of, by her, for very injurious purposes to us; and, since the war, we have seen that this hostile spirit has been carried to much greater extent; that the force at St. Augustine and Mobile has been increased; that the savages have been excited to commit hostilities against us; and, in short, that hostilities have likewise been committed by the Spanish troops themselves.

Since then East Florida has become essentially a British province, for British purposes, in relation to the United States, it were better that it belonged to England, as in that case we should have to contend with her only, unaided by the resources of Spain. How long this state of things will be permitted to remain, it is not in my power at this time to inform you. It is evident that we have every thing to apprehend from the hostility of those powers in that quarter, which their means will admit of.—Under existing circumstances, therefore, the President thinks it due to the injured rights and interests of the United States, as well as to their honour, to maintain the ground on which you now stand, and to collect your force at Point Peter, for the purpose of protecting our own country, and chastising the savages who have committed hostilities; of watching the movements of England, and

of the Spanish forces acting under English influence, and of taking such ulterior measures, as may be found to be proper and necessary.

I have the honour, &c.

JAMES MONROE.

*Copy a Letter from his Excellency Governour Mitchell, to Major General Pinckney. Executive Department, Georgia, Milledgeville, December 17, 1812.*

SIR,—The importance and pressure of other publick duties, has prevented me from replying to your letter of the 13th of last month, so soon as I could have wished. I had an intimation from the Secretary of State, in a letter which I received from him of date 13th October last, that the President contemplated your appointment to the agency of the affairs of East Florida, and the intimation gave me much pleasure, believing as I did, that the convenient relation which that agency had with your other duties as the commander of the military, your experience and superior talents, rendered the appointment in every respect proper.

You will herewith receive copies of the correspondence which took place between the Spanish authorities in Augustine, and myself, during my stay at St. Mary's. By it you will perceive that a direct refusal was given, to hear any proposition from our government, until the troops should be withdrawn, and that an attempt was made to drive the troops out of the province, at the very commencement of our communications. With the attack made upon the troops, the correspondence between the person then in authority in Augustine and myself ended, for reasons which you will find in the subsequent correspondence between governour Kinderlan and myself. It is also proper for me to observe, that independent of the reason assigned in my first reply to governour Kinderlan, for not withdrawing the troops, I was partly influenced by the expectation of war with England, and consequently a determination on the part of our government to take possession of the Floridas, to decline in my second reply to that gentleman, making any proposition

to him for withdrawing the troops, and to insist on a more explicit and ample acknowledgment for the insult offered the government in the attack upon the troops. I was also induced to this course, from the information which I derived from the verbal communications which took place between my aid, when in Augustine, and the person then in authority there, and those made to myself by the agent employed by governour Kinderlan, in carrying his despatches to me, and my answers. From these, it was evident to me that the government of Augustine would not consent to any arrangement which should provide for the safety of those residents of the province who had embarked in the opposition to their government, under the assurance of protection from the United States, and our government was equally determined not to withdraw the troops, but upon such conditions as should render the residence of those persons in Florida, perfectly safe from the resentment of the Spaniards, as well in their persons as properties.

I have not sent you copies of my letters to the Secretary of State, prior to the 19th September last, since, if he had considered it necessary that the contents of any of them should be communicated to you, he would have transmitted them himself; it will however, afford me much pleasure to furnish any information in my power upon any point which you may think proper to state.

I am, with much regard and esteem, &c.

D. B. MITCHELL.

*Copy of a Letter from the Governour of East Florida, to His Excellency Governour Mitchell, dated St. Augustine, June 23, 1812; transmitted to the Department of State, by Major General Pinckney.*

SIR,—I observe by your excellency's letter, of the 18th instant, far from being deceived in the opinion I had formed of the pacifick intentions of the United States towards this territory, under my command, I have every reason to expect an amicable and complete adjustment of all differences which have occurred. I will give your excellency an unequivocal testimony of my desire to remove all doubts,

and such trifling disputes as ought never to exist between friendly contiguous governments, declaring without hesitation to your excellency, that I can see nothing in the attack which you say was made from this place on the federal troops, that ought to cause the least complaint; saying nothing at present of how they have invaded the sovereignty of the Spanish territory, and how they have trampled the privileges and shelter of our home; all I wish to pass over, and only assure to your excellency that the party from St. Augustine had not the most distant idea of committing hostilities against the American troops. A number of seditious persons, who were disturbing the peace of the country, occupied and fortified a house on Moosa—from whence they could overlook the operations of this place, and impede the free rise of the creeks belonging thereto, and above all, the constant sight and proximity of them, were very insulting to the loyal inhabitants of this city. In such circumstances the honour of the government, and its indisputable right to punish severely, those who without shame, so far forget their duty, was what so justly made my predecessor decide on sending a small party to dislodge the rebels, as was done. It would be offering a high insult to the American name, even to think that their troops would take part in favour of those committing sedition: but if any, ill guided and forgetful of their duty, have united with the revolutionary mob, they would, without doubt, receive part of the punishment intended for the others: in such case all the blame must attach to those who meddle in what did not concern them.—Under this firm conceit, your excellency may, if pleases, charge your troops with what has happened to them.

Your excellency will be pleased to observe the candour and good faith I have made use of on my part; it therefore rests with your excellency, if faithful to your promise, to order your troops without delay, to evacuate the province under my command, as an indispensable measure which ought to precede every other communication, and without which, making your excellency, your offers null, will cause that want of confidence which destroys all good faith, and leads to fatal consequences; none of which can

attach to the Spanish nation, whose sincerity goes hand in hand with the valour and stability which characterizes her.

Mr. Joseph Arredando will have the honour of delivering you this, and receive your excellency's commands.

With sentiments of respect, I am, &c.

SEBASTIAN KINDERLAN.

*Copy of a Letter from His Excellency Governour Mitchell, in reply to that from the Governour of East Florida, of the 23d June, 1812, dated St. Mary's, July 6, 1812; transmitted to the Department of State by Major General Pinckney.*

SIR,—I hasten to reply to your letter of the 23d June, delivered to me last evening by Mr. Joseph Arredando.

I confess I am at a loss in what light to consider your observations respecting the attack made upon the United States' troops.

You set out by observing that you can see nothing in the attack made upon them that ought to cause the least complaint; and I with candour admit, that if that attack had been made before any explanation was offered on the part of the United States, the observation would have been more correct; but its being made at a moment when the United States were offering friendly and sincere explanations, nothing could be more offensive, because it unequivocally called in question the sincerity, and consequently the honour and integrity of the government.

I entertain too high an opinion of your character, and too much respect for your judgment and patriotism to believe for a moment that you would consider an indignity of the nature of the one complained of as "a trifling dispute," and am therefore constrained to believe that you have not been correctly informed of the facts.

The truth is, the troops were stationed on the bank of the river and occupied the house of Moosa to which you refer, and the patriots were several hundred yards in their rear, and not within gun-shot of the river; neither was it possible for the troops to impede the free use of the creeks or other water courses leading to or from St. Augustine, since they had neither boats nor cannon, and in fine they

were making no demonstration of hostility other than their presence afforded, and furnished no particular reason for an attack at that time more than at any other time previous : and if their situation enabled them to overlook the operations in St. Augustine, it equally enabled those in that place to know all the facts I have stated. The declaration therefore that the party from St. Augustine had not the most distant idea of committing hostilities against the American troops, is so opposite to facts, that I must believe, that as you were not in the province at the time, that you have been deceived, and that the communication which I made previous to that attack had not obtained confidence with those at that time in authority in St. Augustine.

When you state, that if faithful to my promise, I will withdraw the troops without delay from the province under your command, I am induced to believe that you have not favoured me so far as to give my last letter an attentive perusal ; in that I state my full persuasion that you did not expect me either to withdraw the troops or to make any proposition for that purpose, until such explanation was given for the attack made upon them as would evince the sincerity of the desire you had expressed of seeing the harmony of the two countries preserved, &c. &c. Now, sir, I have already shown that the explanation you have given is in direct opposition to facts, and does not embrace the point upon which the explanation was required or expected.

I assure your excellency that when I embarked in this business, it was with the most sincere desire to adjust all the differences which had arisen in consequence of the previous transaction in the province ; and had my first efforts been met by corresponding ones, and with equal sincerity on the part of those then in authority in St. Augustine, I have no doubt but every difficulty would have been long since adjusted. That was, however, not the case, and for the consequent delay I am no wise chargeable any more than I can be for the final result.

There is, however, another subject, which the candour that characterizes the government of the United States, requires me to present to your consideration ; I mean the black troops which you have in your service. Your cer-

tain knowledge of the peculiar situation of the southern section of the Union, in regard to that description of people, one might have supposed would have induced you to abstain from introducing them into the province, or from organizing such as were already in it; the contrary I am well assured, is however the fact, and I may venture to assure you that the United States will never tolerate their remaining in the province. It will readily occur to you also, that the war now existing between this country and Great Britain, imposes upon the United States the necessity of a more vigilant regard and attention to what happens in a neighbouring province, and more especially the fact to which I have called your attention; neither will it escape your observation that for the use made of these troops you alone will be responsible.

I pray your excellency to accept the assurance of my personal respect and esteem.

D. B. MITCHELL.

F.

*Presented to the Spanish Government, May 12, 1805.*

From the first of October, seventeen hundred and ninety-six, until there were brought into the ports of his catholic majesty, in Europe and Africa, by the French, 168 vessels.

Of the above have been condemned,	- -	74
Acquitted, ransomed, or compromised,	- -	23
Cases of violation of the Spanish territory,		
condemned,	- - - - -	13
Run ashore and lost,	- - - - -	1
Unaccounted for,	- - - - -	7
Result not known,	- - - - -	50

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*A Statement of Facts relative to American Vessels, taken by French Privateers, and condemned in Spanish Ports, obtained from the most authentick sources.*

Of the French spoliations there have been fifty appeals from the consular judgments in Spain, to the council of prizes at Paris, of which thirty have been released, nine condemned, and twelve are yet depending. Not one sou has been paid in any case, nor is there a single case of such spoliations on the list of liquidations, now at the French treasury, which are to participate of the twenty millions of livres, to be paid by the United States to their citizens, under the treaty of 1803, on account of French spoliations.

The American minister never did demand payment of French spoliations made in Spain, knowing them as such, nor did the American agent ever demand it by his order or knowledge. The first intelligence which the American government had of appeals being permitted from the French consular tribunals in Spain, to the council of prizes in France, was received from Spain herself. As soon as it was received, the Secretary of State wrote to the American minister in Paris, to know what the fact was, and instructed him at the same time to prohibit the agent from acting in such cases; it having been at all times the opinion of the government, that Spain alone was answerable, of whom only has the recompense been demanded.

*Taken by the Spaniards since the 1st of October, 1796, until the 104 vessels.*

Of the above vessels have been condemned,	-	29
Acquitted, ransomed, or compromised,	- - -	51
Disappeared, unaccounted for, depending,	- - -	24

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Total, 104

**NOTE.**—This statement was made from such documents as were at the time in the possession of our ministers at Madrid. There is reason to believe that it does not em-

brace all the cases which had then occurred, and it may be observed that others have occurred since the period at which it was made.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE  
TO THE FLORIDAS. JAN. 26, 1813.

[Not published, as negotiations on the subject are still pending.]

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE  
TO THE FLORIDAS. JAN. 27, 1813.

[Not published, as negotiations on the subject are still pending.]

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## REPORT

OF THE COMMITTEE ON FOREIGN RELATIONS, RELATIVE  
TO THE CAUSES OF WAR, WITH GREAT BRITAIN. JAN.  
29, 1813.

THE committee to whom was referred so much of the President's message of the 4th day of November last, as relates to our foreign affairs, report, in part :

That in presenting to the House, at this time, a view of our relations with Great Britain, it is deemed unnecessary to recite the causes which produced the war. The wrongs which the United States had received from that power, for a long series of years, have already been laid before the

publick, and need not again be enumerated : they were too deeply felt to have been forgotten, although they may be forgiven by the American people. The United States having engaged in the war for the sole purpose of vindicating their rights and honour, that motive alone should animate them to its close. It becomes a free and virtuous people to give a useful example to the world. It is the duty of a representative government to render a faithful account of its conduct to its constituents. A just sensibility to great and unprovoked wrongs and indignities, will justify an appeal to arms : an honourable reparation should restore the blessings of peace : every step which they take should be guided by a sacred regard to principle.

To form a correct estimate of the duties which the United States have to perform, it is necessary to take a view of the communications which have passed between the Executive of the United States and the British government since the declaration of war. Such a view, the committee is persuaded, will show distinctly the existing ground of controversy between the two nations, and the indispensable obligation on the United States to maintain it.

Your committee has seen with much satisfaction, that at the moment of the declaration of war, the attention of the Executive was engaged in an effort to bring it to a speedy and honourable termination. As early as the twenty-sixth of June last, the charge des affaires of the United States at London, was instructed to propose to the British government an armistice, to take immediate effect, on conditions which it is believed the impartial world will consider safe, honourable, and advantageous to Great Britain. They were few in number and limited to positive wrongs daily practised. That the orders in council should be repealed, and that our flag should protect our seamen, were the only indispensable conditions insisted on. Other wrongs, however great, were postponed for amicable negotiation. As an inducement to the British government to forbear these wrongs, it was proposed to repeal the non-importation law, and to prohibit the employment of British seamen, in the publick and private vessels of the United States : particular care was taken, that these propositions should be made

in a form as conciliatory as they were amicable in substance.

Your committee cannot avoid expressing its astonishment at the manner in which they were received. It was not sufficient to reject the proposed armistice, terms of peculiar reproach and insult were adopted to make the rejection offensive.

It happened, that almost on the same day on which the United States, after having been worn out with accumulated wrongs, had resorted to the last and only remaining honourable alternative, in support of their rights, the British government had repealed conditionally its orders in council. That measure was unexpected, because every previous application for it had failed, although repeated to the very moment it was decided on. Conditional as the repeal was, it was admitted to have removed a great obstacle to accommodation. The other only remained, the practice of impressment. It was proposed to the British government to open an amicable negotiation to provide a substitute to it, which should be considered an ample equivalent. The substitute proposed was defined, and of a character so comprehensive as to have removed, as was presumed, every possible objection to an accommodation. The proposition before made to exclude British seamen from our service was enlarged, so as to comprehend all native British subjects not already naturalized or entitled to naturalization under the laws of the United States. This was likewise rejected.

Your committee have sought with anxiety some proof of a disposition in the British government to accommodate, on any fair condition, the important difference between the two nations, relative to impressment; but they have sought in vain: none is to be found either in the communications of the British minister to the American charge des affaires at London, or in those of the commander of the British naval forces at Halifax, made by order of his government to the department of state. They have seen with regret, that although lord Castlereagh professed a willingness in his government to receive and discuss amicably any proposition having in view, either to check abuse in the practice of impressment, or to provide a substitute to it, he not only declined

entering into a negotiation for the purpose, but discountenanced the expectation that any substitute could be proposed, which his government would accept. It merits notice also, though it ceased to be a cause of surprise, that in the communication of admiral Warren to the department of state, the subject of impressment was not even alluded to.

Had the Executive consented to an armistice on the repeal of the orders in council, without a satisfactory provision against impressment, or a clear and distinct understanding with the British government to that effect, in some mode entitled to confidence, your committee would not have hesitated to disapprove it.

The impressment of our seamen being deservedly considered a principal cause of the war, the war ought to be prosecuted until that cause was removed. To appeal to arms in defence of a right, and to lay them down without securing it, or a satisfactory evidence of a good disposition in the opposite party to secure it, would be considered in no other light than a relinquishment of it. To attempt to negotiate afterwards for the security of such right, in the expectation that any of the arguments which had been urged before the declaration of war and been rejected, would have more weight after that experiment had been made in vain, would be an act of folly which would not fail to expose us to the scorn and derision of the British nation and of the world.

On a full view, therefore, of the conduct of the Executive in its transactions with the British government, since the declaration of war, the committee consider it their duty to express their entire approbation of it. They perceive in it a firm resolution to support the rights and honour of their country, with a sincere and commendable disposition to promote peace on such just and reasonable conditions as the United States may, with safety, accept.

It remains, therefore, for the United States to take their final attitude with Great Britain, and to maintain it with consistency, and with unshaken firmness and constancy. The manner in which the friendly advances and liberal propositions of the Executive have been received by the British government, has in a great measure extinguished the hope of amicable accommodation. It is, however,

possible, that the British government, after instructing admiral Warren to communicate to the department of state the repeal of the orders in council, may have declined the arrangement proposed by Mr. Russell, in the expectation that *that measure* would have been satisfactory to the United States. Be this as it may, your committee consider it the duty of this House to explain to its constituents the remaining cause of controversy, the precise nature of that cause, and the high obligation which it imposes.

From what has been stated it appears, that however great the sensibility to other wrongs, the impressment of our seamen was that alone which prevented an armistice, and in all probability an accommodation. Had that great interest been arranged in a satisfactory manner, the President was willing to rely on the intrinsic justice of other claims, and the amicable spirit in which the negotiation would have been entered into, for satisfaction in their favour. Great Britain claims a right to impress her own seamen and to exercise it in American vessels. In the practice, British cruisers impress American citizens, and from the nature of things, it is impossible that that abuse should not be carried to great extent. A subaltern, or any other officer of the British navy, ought not to be the arbiter in such a case. The liberty and the lives of American citizens ought not to depend on the will of such a party.

The British government has insisted that every American citizen should carry with him the evidence of his citizenship, and that all those not possessed of it might be impressed. This criterion, if not otherwise objectionable, would be so, as the document might be lost, destroyed or taken from the party to whom it was granted, nor might it in all cases be entitled to respect, as it might be counterfeited, transferred or granted to improper persons. But this rule is liable to other and much stronger objections. On what principle does the British government claim of the United States so great and shameful a degradation? Ought the free citizens of an independent power to carry with them on the main ocean, and in their own vessels, the evidence of their freedom? and are all to be considered British subjects and liable to impressment who do not

Deal with them that badge? Is it not more consistent with every idea, both of publick as well as of private right, that the party setting up a claim to any interest, whether it be to persons or property, should prove his right? What would be the conduct of Great Britain under similar circumstances? Would she permit the publick ships of any other power, disregarding the rights of her flag, to enter on board her merchant vessels, take from them such part of their crews as the boarding officers thought fit, often her own subjects, exposing, by means thereof, their vessels to destruction? Would she suffer such an usurpation to derive any sanction from her patient forbearance?

With the British claim to impress British seamen, the United States have no right to interfere, provided it be in British vessels or in any other than those of the United States. That American citizens should be exempted from its operation is all that they demand. Experience has shown that this cannot be secured otherwise than by the vessel in which they sail. Take from American citizens this barrier, which ought to be held sacred, and there is nothing to protect them against the rapacious grasp of the British navy. This then is the extent of the demand of the United States; a demand so just in itself, so consistent and inseparable from their rights as an independent nation, that it has been a cause of astonishment that it should ever have been called in question. The foundation of the British claim is, that British seamen find employment in the service of the United States: this is represented as an evil affecting essentially the great interests of the British nation. This complaint would have more weight, if sanctioned by the British example. It is known on the contrary, that it is in direct repugnance to it. Great Britain does not scruple to receive into her service all who enter into it voluntarily. If she confined herself within that limit, the present controversy would not exist. Heretofore the subjects of even the most despotick powers have been left at liberty to pursue their own happiness, by honest industry, wherever their inclination led them. The British government refuses to its seamen that privilege. Let not this, then, be a ground of controversy with Great Britain. Let it be distinctly understood, that in case an arrangement

should be made between the two nations, whereby each should exclude from its service the citizens and subjects of the other, on the conditions and principles above stated, that this House will be prepared so far as depends on it, to give it effect, and for that purpose to enact laws with such regulations and penalties as will be adequate. With this pledge, it is not perceived on what ground the British government can persist in its claim. If British seamen are excluded from the service of the United States, as may be effectually done, the foundation of the claim must cease. When it is known that not one British seaman could be found on board American vessels, it would be absurd to urge that fact as a motive for impressment.

In declaring a willingness to give effect to the proposed arrangement, your committee consider it equally the duty of the House to declare, in terms the most decisive, that should the British government still decline it, and persevere in the practice of impressment from American vessels, the United States will never acquiesce in that practice, but will resist it unceasingly with all their force. It is not necessary now to inquire what the course would have been with respect to impressment, in case the orders in council had been repealed before the declaration of war, or how long the practice of impressment would have been borne, in the hope that that repeal would have been followed by a satisfactory arrangement with respect to impressment.

War having been declared, and the case of impressment being necessarily included as one of the most important causes, it is evident that it must be provided for in the pacification: the omission of it in a treaty of peace would not leave it on its former ground: it would, in effect, be an absolute relinquishment; an idea, at which the feelings of every American must revolt. The seamen of the United States have a claim on their country for protection, and they must be protected. If a single ship is taken at sea, and the property of an American citizen wrested from him unjustly, it rouses the indignation of the country. How much more deeply then ought we to be excited, when we behold so many of this gallant and highly meritorious class of our fellow citizens snatched from the bosom of their families and of their country, and carried

into a cruel and afflicting bondage. It is an evil which ought not, which cannot be longer tolerated. Without dwelling on the sufferings of the victims, or on that wide scene of distress which it spreads among their relatives through the country, the practice in itself is, in the highest degree, degrading to the United States as a nation. It is incompatible with their sovereignty. It is subversive of the main pillars of their independence. The forbearance of the United States under it has been mistaken for pusillanimity.

The British pretension was maturing fast into a right. Had resistance been longer delayed, it might have become one. Every administration remonstrated against it, in a tone which bespoke the growing indignation of the country. Their remonstrances produced no effect. It was worthy the illustrious leader of our armies, when called by the voice of his country to the head of the government, to pause, rather than to recommend to his fellow citizens a new war, before they had recovered from the calamities of the late one. It was worthy his immediate successors to follow his example.

In peace our free system of government would gain strength, and our happy union become consolidated : but, at the last session, the period had arrived when forbearance could be no longer justified. It was the duty of Congress to take up this subject in connexion with the other great wrongs of which they complained, and to seek redress in the only mode which became the representatives of a free people. They have done so by appealing to arms, and that appeal will be supported by their constituents.

Your committee are aware that an interesting crisis has arrived in the United States ; but they have no painful apprehension of its consequences. The course before them is direct. It is pointed out equally by a regard to the honour, the rights, and the interests of the nation. If we pursue it with firmness and vigour, relying on the aid of heaven, our success is inevitable.

Our resources are abundant ; the people are brave and virtuous, and their spirit unbroken. The gallantry of our infant navy bespeaks our growing greatness on that element ; and that of our troops, when led to action, inspires

full confidence of what may be expected from them when their organization is complete. Our union is always most strong when menaced by foreign dangers ; the people of America are never so much one family, as when their liberties are invaded.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE  
SENATE. FEB. 18, 1813.

I TRANSMIT to the Senate a report of the Secretary of State, complying with their resolution of the 18th of January, 1813.

JAMES MADISON.

[Report, &c. not published, as the negotiations are still pending ; but the subject may be indistinctly understood from the resolution which follows.]

*Extract from the Confidential Proceedings of the Senate of the United States, Jan. 18, 1813.*

“RESOLVED, That the President of the United States be requested to cause to be laid before the Senate, all letters and communications that have passed between the government of the United States and that of Spain, or the ministers thereof, since the 9th day of January, 1804, on the subject of indemnities for spoliations committed on our commerce by her subjects before that time ; and also in relation to French seizures and condemnation of our vessels in the ports of Spain, during the late war with France ; together with such communications between this and the French government, as relate to the same subjects ; with such instructions as have been given to the ministers of the United States in relation to the same. And any propositions or negotiations that have been had or made with France or Spain, for ceding East Florida to the United States, previous to the 15th day of January, 1811, not heretofore communicated.”

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.

FEB. 24, 1813.

I LAY before Congress copies of a proclamation of the British lieutenant governour of the Island of Bermuda, which has appeared under circumstances leaving no doubt of its authenticity. It recites a British order in council of the 26th of October last, providing for the supply of the British West Indies and other colonial possessions, by a trade under special licenses; and is accompanied by a circular instruction to the colonial governours, which confines licensed importations from ports of the United States, to the ports of the eastern states exclusively.

The government of Great Britain had already introduced into her commerce during war, a system, which, at once violating the rights of other nations, and resting on a mass of forgery and perjury unknown to other times, was making an unfortunate progress in undermining those principles of morality and religion, which are the best foundation of national happiness.

The policy now proclaimed to the world, introduces into her modes of warfare, a system equally distinguished by the deformity of its features, and the depravity of its character; having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation, and to seduce and separate its component parts, the one from the other.

The general tendency of these demoralizing and disorganizing contrivances, will be reprobated by the civilized and christian world; and the insulting attempt on the virtue, the honour, the patriotism, and the fidelity of our brethren of the eastern states, will not fail to call forth all their indignation and resentment; and to attach more and more all the states to that happy union and constitution, against which such insidious and malignant artifices are directed.

The better to guard, nevertheless, against the effect of individual cupidity and treachery, and to turn the corrupt

projects of the enemy against himself, I recommend to the consideration of Congress the expediency of an effectual prohibition of any trade whatever, by citizens or inhabitants of the United States, under special licenses, whether relating to persons or ports; and in aid thereof a prohibition of all exportations from the United States in foreign bottoms, few of which are actually employed; whilst multiplying counterfeits of their flags and papers are covering and encouraging the navigation of the enemy.

JAMES MADISON.

[From the Bermuda Gazette of January 16.]

BERMUDA, alias SOMERS' ISLANDS.

*By His Excellency Brigadier General George Horsford, Lieutenant Governour and Commander in Chief, in and over these Islands, &c. &c. &c.*

#### A PROCLAMATION.

WHEREAS I have received a copy of his royal highness the prince regent's order in council, bearing date at the court at Carlton house, the 26th of October, 1812, which order is in the words following, viz.

"Whereas during the late and present war, emergencies have at various times arisen, essentially affecting the necessary supply of the British West India Islands, and of lands and territories, belonging to his majesty on the continent of South America, and it has been found expedient and necessary, for the trade and commerce of said islands, lands, &c. and for the support of the inhabitants thereof, further to extend, for a limited time, the importation into, and exportation from, the said islands, lands, and territories, his royal highness the prince regent, in the name and on the behalf of his majesty, is pleased, by and with the advice of his majesty's privy council, to authorize and empower the governour or lieutenant governour of any of the islands or territories in the West Indies, (in which description the Bahama Islands and the Bermuda or Somers' Islands are included) and of any of the lands or territories on the continent of South America, to his majesty belong-

ing; and they are hereby respectively authorized and empowered to permit, until the 30th day of June, 1813, the importation into the said islands, lands and territories, respectively, of staves and lumber, horses, mules, asses, neat cattle, sheep, hogs, and every other species of live stock and live provisions, and also of every other kind of provisions whatsoever, (beef, pork, butter, salted, dried and pickled fish excepted,) in any unarmed ship or vessel not belonging to France, or to the subjects or inhabitants thereof, or of any port or place annexed to the territories of France, under the license of the said respective governor or lieutenant governor, which are hereby empowered to grant in his majesty's name, subject to such instructions as his royal highness the prince regent, in the name and on the behalf of his majesty, shall, from time to time, think fit to issue, to be signified by one of his majesty's principal secretaries of state; and also to permit, under licenses to be granted as aforesaid, the exportation from the said islands, lands and territories, into which such importation as aforesaid shall be made, and in the ships aforesaid in which such importations shall have been made, of rum and molasses, and of any other goods and commodities whatsoever, except sugar, indigo, cotton wool, coffee and cocoa: Provided, that such ships or vessels shall duly enter into, report and deliver their respective cargoes, and reload at such ports only where regular custom houses shall have been established. But it is his royal highness' pleasure, nevertheless, and his royal highness, in the name and on behalf of his majesty, and by and with the advice aforesaid, is pleased to order, and it is hereby ordered, that nothing herein before contained shall be construed to permit the importation of staves, lumber, horses, mules, asses, neat cattle, sheep, hogs, poultry, live stock, live provisions, or any kind of provisions whatever, as aforesaid, into any of the said islands, lands or territories in which there shall not be, at the time when such articles shall be brought for importation, the following duties on such articles of the growth or produce of the United States of America, namely:

On wheat flour, per barrel, not weighing more than one hundred and ninety-six pounds, neat weight, £ 0 5 8

On bread or biscuit of wheat flour, or any other grain, per barrel, not exceeding more than one hundred pounds weight, £ 0 3 4

On bread, for every hundred pounds, made from wheat, or any other grain whatever, imported in bags or other packages than barrels, weighing as aforesaid, 0 3 4

On flour or meal made from rye, peas, beans, Indian corn, or other grain than wheat, per barrel, not weighing more than one hundred and ninety-six pounds, 0 3 4

On peas, beans, rye, Indian corn, callivances or other grain, per bushel, 0 0 10

On rice, for every one hundred pounds, neat weight, and so in proportion for a less or larger quantity, 0 3 4

On shingles, called Boston chips, not more than twelve inches in length, per thousand, 0 3 4

On shingles, being more than twelve inches in length, per thousand, 0 6 8

For every twelve hundred, commonly called one thousand, red oak staves, 1 0 0

For every twelve hundred, commonly called one thousand, white oak staves, and for every one thousand pieces of heading, 0 15 0

For every one thousand feet of white or yellow pine lumber, of all descriptions, 0 10 0

For every thousand feet of pitch pine lumber, 0 15 0

For all other kinds of wood or timber, not before enumerated, 0 15 0

For every thousand wood hoops, 0 5 0

And in proportion for a less or larger quantity of all and every of the articles enumerated.

Horses, neat cattle, and other live stock, for every hundred pounds of the value thereof, at the port or at the place of importation, 10 0 0

And whereas, I have deemed it expedient and necessary to make known and publish the same within this his majesty's government: I do therefore issue this my proclamation to the end that all persons whom it doth or may con-

cern, being duly apprised thereof, may govern themselves accordingly.

Given under my hand, and the great seal of the islands, this 14th day of January, 1813, and in the 53d year of his majesty's reign.

GEORGE HORSFORD.

By His Excellency's Command,

ROBERT KENNEDY.

God save the King.

CIRCULAR.

*Downing Street, November 9, 1812.*

SIR,—I have the honour of enclosing an order of council, which has been judged expedient to issue, in consequence of the existing hostilities between his majesty and the United States of America. By this order you are authorized to grant licenses for importation of certain articles enumerated in the order, and for the exportation of certain articles enumerated in the order, and for the exportation of certain articles in the same order, in the ships in which the importation shall be made.

This intercourse is to be subject to the condition stated in the order, and such instructions as you may from time to time receive from one of his majesty's principal secretaries of state. I am commanded by his royal highness the prince regent to signify to you that in granting the licenses for importation of the above enumerated articles, you take care that the articles so to be imported, be severally enumerated in the body of the license; that the port or place from whence the importation is to be made, and the port to which the vessel is bound, is also to be inserted in the body of the license.

That if the person applying for the license shall not be able to state the name of the vessel on board of which the proposed importation is to be made, the condition of the license should be, that the name of the vessel, the name of the master, her tonnage and her national character be endorsed on the license on quitting her port of clearance, and that the condition of her license should also be, that she proceed direct for the port of her destination.

Although the order in council authorizes you to permit the importations of the enumerated articles in any vessels not French, you will not grant these licenses to any except to vessels in amity with his majesty, unless you are convinced that the island will be exposed to serious embarrassments by so confining the importation in question.

Whatever importations are proposed to be made, under the order, from the United States of America, should be by your licenses confined to the ports of the EASTERN STATES EXCLUSIVELY, unless you have reason to suppose that the object of the order would not be fulfilled if licenses are not also granted for the importations from the other ports in the United States.

With respect to the licenses for exportation on board the vessels in which an importation shall have been previously made, you will observe that the order does not require that the port of destination in such case shall be the same as that from whence the importation had been made, but you will take care that in the body of the license be inserted the name of the vessel, her tonnage, the name of the master, and her national character, the port of clearance and the port of destination; and that the cargo be described in the body of the license, according to the words of the order, viz. rum, molasses, or any other goods and commodities whatsoever, except sugar, indigo, cotton wool, coffee and cocoa.

You will take care that the term of the import license does not exceed the term of the order on which it is granted, and that you do not issue any license for exportation under this order, after that period.

The fee payable for each license is not in any case to exceed the sum of one pound one shilling.

I have the honour to be, sir, &c.

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To Lt. Col. Governour Harcourt, &c. &c.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. MARCH 3, 1813.

I TRANSMIT to the House of Representatives a report of the Secretary of State complying with their resolution of the first instant.

JAMES MADISON.

THE Secretary of State to whom was referred the resolution of the House of Representatives of the 1st instant, has the honour to submit to the President the enclosed papers, marked A and B.

All which is respectfully submitted.

JAMES MONROE.

Department of State, March 3, 1813.

( A. )

*Extract of a Letter from Joel Barlow, Esq. to the Secretary of State. Paris, May 2, 1812.*

"I HAVE the honour to enclose herewith the copy of my note of yesterday to the duke of Bassano. The importance of the objects and the urgency of the occasion I hope will justify the solicitude with which I have pressed the propositions.

The result, as far as it may be known within a few days, shall be transmitted by the Wasp. The Hornet sailed from Cherbourg the 26th April, with orders to land a messenger in England, with my despatches for Mr. Russell, but not to wait a return from London."

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[Enclosed in Mr. Barlow's Letter of May 2, 1812, to the Secretary of State.]

*Extract of a Letter from Joel Barlow, Esq. to the Duke of Bassano. Paris, May 1, 1812.*

"In the note I had the honour to address your excellency on the 10th of November last, the spirit of the English government was so far noticed as to anticipate the fact now proved by experience, that its orders in council violating the rights of neutrals, would not be revoked. The declaration of the prince regent of the 21st of April, has placed that fact beyond all question. In doing this he has repeated the assertion so often advanced by his ministers and judges, that the decrees of France of a similar character are likewise unrevoked.

"You will notice that he finds a new argument for this conclusion in your excellency's late report to the emperor concerning neutral rights, in which you avoid taking notice of any repeal or modification of these decrees, or of their non-application to the United States. We know indeed that they do not apply to the United States, because we do not suffer our flag to be denationalized in the manner evidently contemplated by the emperor in the rule he meant to establish. But it would have been well if your excellency had noticed their non-application to the United States, since his majesty has uniformly done it in his decisions of prize causes since November, 1810.

"It is much to be desired that the French government would now make and publish an authentick act, declaring the Berlin and Milan decrees, as relative to the United States, to have ceased in November, 1810, declaring that they have not been applied in any instance, since that time, and that they shall not be so applied in future.

"The case is so simple, the demand so just, and the necessity so urgent, that I cannot withhold my confidence in the prompt and complete success of my proposition."

*Extract of a Letter from Mr. Barlow to Mr. Monroe. Paris, May 12, 1812.*

"After the date of my letter, of which I have the honour to enclose you a copy, I found from a pretty sharp

conversation with the duke of Bassano, that there was a singular reluctance to answering my note of the 1st of May. Some traces of that reluctance you will perceive in the answer which finally came, of which a copy is here enclosed. This, though dated the 10th, did not come to me till last evening. I consider the communication to be so important in the present crisis of our affairs with England that I despatch the Wasp immediately, to carry it to Mr. Russell, with orders to return with his answer as soon as possible. I am confident that the President will approve the motive of my solicitude in this affair, and the earnest manner in which I pressed the minister with it as soon as my knowledge of the declaration of the prince regent enabled me to use the argument that belonged to the subject. When, in the conversation above alluded to, the duke first produced to me the decree of the 28th of April, 1811, I made no comment on the strange manner in which it had been so long concealed from me, and probably from you. I only asked him if that decree had been published. He said, no, but declared it had been communicated to my predecessor here, and likewise sent to Mr. Serrurier, with orders to communicate it to you. I assured him it was not among the archives of this legation; that I never before had heard of it; and since he had consented to answer my note, I desired him to send to me in that official manner a copy of that decree, and of any other documents that might prove to the incredulous of my country (not to me) that the decrees of Berlin and Milan were in good faith and unconditionally repealed with regard to the United States. He then promised me he would do it, and he has performed his promise.

“ I send you a copy of the April decree, as likewise the letter of the grand judge, and that of the minister of finances: though the two latter pieces have been before communicated to our government and published.”

## TRANSLATION.

*The Duke of Bassano to Mr. Barlow. Paris, May 10, 1812.*

SIR,—In conversing with you about the note which you did me the honour to address to me on the 1st of May, I

could not conceal from you my surprise at the doubt which you had expressed in that note, respecting the revocation of the decrees of Berlin and Milan. That revocation was proven by many official acts, by all my correspondence with your predecessors and with you, by the decisions in favour of American vessels. You have done me the honour to ask a copy of the letters which the grand judge and the minister of the finances wrote on the 25th December, 1810, to secure the first effects of that measure, and you have said, sir, that the decree of the 28th of April, 1811, which proves definitively the revocation of the decrees of Berlin and Milan in regard to the Americans, was not known to you.

I have the honour to send you, as you have desired, a copy of these three acts. You will consider them, without doubt, sir, as the plainest answer, which I could give to this part of your note. As to the two other questions to which that note relates, I will take care to lay them before the emperor. You know already, sir, the sentiments which his majesty has expressed in favour of American commerce, and the good dispositions which have induced him to appoint a plenipotentiary to treat with you on that important interest.

Accept, sir, &c.

THE DUKE OF BASSANO.

#### TRANSLATION.

*Palace of St. Cloud, April 28, 1811.*

NAPOLÉON, emperor of the French, &c. &c. On the report of our minister of foreign relations.

Seeing by a law passed on the 2d March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering into the ports of the United States.

Considering that the said law is an act of resistance to the arbitrary pretensions, consecrated by the British orders in council, and a formal refusal to adhere to a system

invading the independence of neutral powers and of their flag; we have decreed, and do decree as follows:

The decrees of Berlin and Milan are definitively, and to date from the first day of November last, considered as not having existed (*non avenues*) in regard American vessels.

NAPOLÉON.

By the Emperor,  
The Minister, Secretary of State.

THE COUNT DARU.

(B.)

*Mr. Barlow to the Secretary of State. Paris, October 25, 1812.*

Sir,—By the letters from the duke of Bassano and my answer, copies of which are herewith enclosed, you will learn that I am invited to go to Wilna, and that I have accepted the invitation. Though the proposal was totally unexpected, and on many accounts disagreeable, it was impossible to refuse it without giving offence, or at least risking a postponement of a negotiation which I have reason to believe is now in a fair way to a speedy and advantageous close.

From the circumstances which have preceded and which accompany this proposition, I am induced to believe that it is made with a view of expediting the business. There may, indeed, be an intention of coupling it with other views not yet brought forward. If so, and they should extend to objects beyond the simplicity of our commercial interests, and the indemnities which we claim, I shall not be at a loss how to answer them.

I shall have the honour to write you, as soon as possible, from Wilna, and shall return to Paris without any unnecessary delay.

I remain, &c.

J. BARLOW.

## TRANSLATION.

*The Duke of Bassano to Mr. Barlow. Wilna, October 11, 1812.*

SIR,—I have had the honour to make known to you how much I regretted, in the negotiation commenced between the United States and France, the delays which inevitably attended a correspondence carried on at so great a distance. Your government has desired to see the epoch of this arrangement draw near. His majesty is animated by the same dispositions, and willing to assure to the negotiation a result the most prompt, he has thought that it would be expedient to suppress the intermediaries and to transfer the conference to Wilna. His majesty has in consequence authorized me, sir, to treat directly with you. If you will come to this town, I dare hope, that with the desire which animates us both to conciliate such important interests, we will immediately be enabled to remove all the difficulties which until now have appeared to impede the progress of the negotiation.

I have apprized the duke of Dalberg that his mission was thus terminated, and I have laid before his majesty the actual state of the negotiation, to the end that when you arrive at Wilna the different questions being already illustrated (*eclaircies*,) either by your judicious observations, or by the instructions I shall have received, we may, sir, conclude without delay an arrangement so desirable and so conformable to the mutually amicable views of our two governments.

Accept, sir, &c.

THE DUKE OF BASSANO.

## EXTRACT.

*Mr. Barlow to the Duke of Bassano. Paris, October 25, 1812.*

SIR,—In consequence of the letter you did me the honour to write me on the 11th of this month, I accept your invitation, and leave Paris to-morrow for Wilna, where I hope to arrive in 15 or 18 days from this date. My sec-

retary of legation and one servant will compose all my suite. I mention this to answer to your extreme goodness in asking the question, and your kind offer of finding me a convenient lodging. I hope the trouble you will give yourself in this will be as little as possible.

The negotiation on which you have done me the honour to invite me at Wilna, is so completely prepared in all its parts between the duke of Dalberg and myself, and, as I understand, sent on to you for your approbation about the 18th of the present month, that I am persuaded, if it could have arrived before the date of your letter, the necessity of this meeting would not have existed, as I am confident that his majesty would have found the project reasonable and acceptable in all its parts, and would have ordered that minister to conclude and sign both the treaty of commerce and the convention of indemnities.

## INAUGURAL ADDRESS,

OF JAMES MADISON, PRESIDENT OF THE UNITED STATES.

MARCH 4, 1813.

ABOUT to add the solemnity of an oath to the obligations imposed by a second call to the station, in which my country heretofore placed me, I find, in the presence of this respectable assembly, an opportunity of publickly repeating my profound sense of so distinguished a confidence, and of the responsibility united with it. The impressions on me are strengthened by such an evidence, that my faithful endeavours to discharge my arduous duties have been favourably estimated; and by the consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it, I should be compelled to shrink, if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction, that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice, which invites the smiles of heaven on the means of conducting it to a successful termination.

May we not cherish this sentiment, without presumption, when we reflect on the character by which this war is distinguished?

It was not declared on the part of the United States, until it had been long made on them, in reality, though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received, that the wrongs provoking it would not be discontinued; nor until this last appeal could no longer be delayed, without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions; and either perpetuating a state of disgraceful suffering, or regaining, by more costly sacrifices and more severe struggles, our lost rank and respect among independent powers.

On the issue of the war are staked our national sovereignty on the high seas, and the security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake, is to surrender our equality with other powers, on the element common to all; and to violate the sacred title, which every member of the society has to its protection. I need not call into view the unlawfulness of the practice, by which our mariners are forced, at the will of every cruising officer, from their own vessels into foreign ones, nor paint the outrages inseparable from it. The proofs are in the records of each successive administration of our government; and the cruel sufferings of that portion of the American people have found their way to every bosom not dead to the sympathies of human nature.

As the war was just in its origin, and necessary and noble in its objects, we can reflect with a proud satisfaction, that, in carrying it on, no principle of justice or honour, no usage of civilized nations, no precept of courtesy or humanity, have been infringed. The war has been waged on our part, with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy!

They have retained as prisoners of war citizens of the United States, not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating without restraint to the United States; incorporated by naturalization into our political family, and fighting under the authority of their adopted country, in open and honourable war, for the maintenance of its rights and safety. Such is the avowed purpose of a government, which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting but compelling them to fight its battles against their native country.

They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate mass

sacre; but they have let loose the savages armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives. And what was never before seen, British commanders have extorted victory over the unconquerable valour of our troops, by presenting to the sympathy of their chief awaiting massacre from their savage associates.

And now we find them, in further contempt of the modes of honourable warfare, supplying the place of a conquering force, by attempts to disorganize our political society, to dismember our confederated Republick. Happily, like others, these will recoil on the authors: but they mark the degenerate councils from which they emanate: and if they did not belong to a series of unexampl'd inconsistencies, might excite the greater wonder, as proceeding from a government, which founded the very war in which it has been so long engaged, on a charge against the disorganizing and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the scabbard, before the enemy was apprized of the reasonable terms on which it would be re-sheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance, not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honourable issue. Our nation is in number more than half that of the British isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessaries, the arts, and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British cabinet to undermine it, have recoiled on themselves; have given to our national faculties a more rapid development; and, draining or diverting the precious metals from British circulation and British vaults, have poured

them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the publick voice called for war, all knew and still know, that without them it could not be carried on, through the period which it might last; and the patriotism, the good sense, and the manly spirit of our fellow-citizens, are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated and systematick exertions alone are necessary; and the success of our arms now may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, presaging flashes of heroick enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.

JAMES MADISON.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. MAY 25, 1813.

At an early day after the close of the last session of Congress, an offer was formally communicated from his imperial majesty the emperor of Russia, of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The high character of the emperor Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted; and as a further proof of the disposition on the part of the United States to meet their adversary in honourable experiments for terminating the war, it was determined to avoid inter-

mediate delays, incident to the distance of the parties, by a definitive provision for the contemplated negotiation. Three of our eminent citizens were accordingly commissioned with the requisite powers to conclude a treaty of peace, with persons clothed with like powers on the part of Great Britain. They are authorized also to enter into such conventional regulations of the commerce between the two countries, as may be mutually advantageous. The two envoys who were in the United States at the time of their appointment, have proceeded to join their colleague already at St. Petersburg.

The envoys have received another commission authorizing them to conclude with Russia a treaty of commerce, with a view to strengthen the amicable relations, and improve the beneficial intercourse between the two countries.

The issue of this friendly interposition of the Russian emperor, and this pacifick manifestation on the part of the United States, time only can decide. That the sentiments of Great Britain towards that sovereign will have produced an acceptance of his offered mediation, must be presumed. That no adequate motives exist to prefer a continuance of war with the United States, to the terms on which they are willing to close it, is certain. The British cabinet also must be sensible that, with respect to the important question of impressment, on which the war so essentially turns, a search for, or seizure of, British persons or property on board neutral vessels on the high seas, is not a belligerent right derived from the law of nations; and it is obvious, that no visit or search, or use of force, for any purpose, on board the vessel of one independent power on the high seas, can in war or peace be sanctioned by the laws or authority of another power. It is equally obvious, that, for the purpose of preserving to each state its sea-faring members, by excluding them from the vessels of the other, the mode heretofore proposed by the United States, and now enacted by them as an article of municipal policy, cannot for a moment be compared with the mode practised by Great Britain, without a conviction of its title to preference; inasmuch as the latter leaves the discrimination between the mariners of the two nations, to officers exposed by unavoidable bias, as well as by a defect

of evidence, to a wrong decision, under circumstances precluding, for the most part, the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages: whereas the mode assumed by the United States guards with studied fairness and efficacy against errors in such cases, and avoids the effect of casual errors on the safety of navigation, and the success of mercantile expeditions.

If the reasonableness of expectations, drawn from these considerations, could guaranty their fulfilment, a just peace would not be distant. But it becomes the wisdom of the national legislature to keep in mind the true policy, or rather the indispensable obligation, of adapting its measures to the supposition, that the only course to that happy event is in the vigorous employment of the resources of war. And painful as the reflection is, this duty is particularly enforced by the spirit and manner, in which the war continues to be waged by the enemy, who, uninfluenced by the unvaried examples of humanity set them, are adding to the savage fury of it, on one frontier, a system of plunder and conflagration on the other, equally forbidden by respect for national character, and by the established rules of civilized warfare.

As an encouragement to persevering and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms, both by land and on the water.

In continuation of the brilliant achievements of our infant navy, a signal triumph has been gained by captain Lawrence and his companions in the *Hornet* sloop of war, which destroyed a British sloop of war, with a celerity so unexampled and with a slaughter of the enemy so disproportionate to the loss in the *Hornet*, as to claim for the conquerors the highest praise, and the full recompense provided by Congress in preceding cases. Our publick ships of war in general, as well as the private armed vessels, have continued also their activity and success against the commerce of the enemy, and by their vigilance and address have greatly frustrated the efforts of the hostile squadrons distributed along our coasts, to intercept them in returning into port, and resuming their cruises.

The augmentation of our naval force, as authorized at the last session of Congress, is in progress. On the lakes our superiority is near at hand where it is not already established.

The events of the campaign, so far as they are known to us, furnish matter of congratulation, and show that, under a wise organization and efficient direction, the army is destined to a glory not less brilliant than that which already encircles the navy. The attack and capture of York is, in that quarter, a presage of future and greater victories; while, on the western frontier, the issue of the late siege of fort Meigs leaves us nothing to regret but a single act of inconsiderate valour.

The provisions last made for filling the ranks and enlarging the staff of the army, have had the best effects. It will be for the consideration of Congress, whether other provisions depending on their authority may not still further improve the military establishment and the means of defence.

The sudden death of the distinguished citizen who represented the United States in France, without any special arrangements by him for such a contingency, has left us without the expected sequel to his last communications: nor has the French government taken any measures for bringing the depending negotiations to a conclusion, through its representative in the United States. This failure adds to delays, before so unreasonably spun out. A successor to our deceased minister has been appointed, and is ready to proceed on his mission: the course which he will pursue in fulfilling it, is that prescribed by a ~~solid~~ regard to the true interests of the United States, which equally avoids an abandonment of their just demands, and a connexion of their fortunes with the systems of other powers.

The receipts into the treasury from the 1st of October to the 31st day of March last, including the sums received on account of treasury notes, and of the loans authorized by the acts of the last and the preceding sessions of Congress, have amounted to fifteen millions four hundred and twelve thousand dollars. The expenditures during the same period amounted to fifteen millions nine hundred and twenty thousand dollars, and left in the treasury, on the

first of April, the sum of one million eight hundred and fifty-seven thousand dollars. The loan of sixteen millions of dollars authorized by the act of the 8th of February last, has been contracted for. Of that sum, more than a million of dollars had been paid into the treasury, prior to the first of April, and formed a part of the receipts as above stated. The remainder of that loan, amounting to near fifteen millions of dollars, with the sum of five millions of dollars authorized to be issued in treasury notes, and the estimated receipts from the customs and the sales of publick lands, amounting to nine millions three hundred thousand dollars, and making in the whole twenty-nine millions three hundred thousand dollars, to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized, and the engagements contracted in relation to the publick debt. These engagements amount during that period to ten millions five hundred thousand dollars, which, with near one million for the civil, miscellaneous, and diplomatic expenses, both foreign and domestick, and seventeen millions eight hundred thousand dollars for the military and naval expenditures, including the ships of war building and to be built, will leave a sum in the treasury, at the end of the present year, equal to that on the 1st of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law, beyond the sums above estimated; and a further resource for any emergency may be found in the sum of one million of dollars, the loan of which to the United States has been authorized by the state of Pennsylvania, but which has not yet been brought into effect.

This view of our finances, whilst it shows that due provision has been made for the expenses of the current year, shows at the same time, by the limited amount of the actual revenue, and the dependence on loans, the necessity of providing more adequately for the future supplies of the treasury. This can be best done by a well digested system of internal revenue, in aid of existing sources; which will have the effect, both of abridging the amount of necessary loans, and on that account, as well as by placing the public credit on a more satisfactory basis, of improving the terms on which, loans may be obtained. The loan of six-

teen millions was not contracted for at a less interest than about seven and a half per cent. and although other causes may have had an agency, it cannot be doubted, that with the advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A longer postponement of this advantage could not fail to have a still greater influence on future loans.

In recommending to the national legislature this resort to additional taxes, I feel great satisfaction in the assurance, that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give every other proof of their patriotism which it calls for. Happily no people, with local and transitory exceptions never to be wholly avoided, are more able than the people of the United States, to spare for the publick wants a portion of their private means, whether regard be had to the ordinary profits of industry, or the ordinary price of subsistence in our country, compared with those of any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the publick resources certain, and commensurate to the publick exigencies, the constituted authorities will be able to prosecute the war the more rapidly to its proper issue; every hostile hope, founded on a calculated failure of our resources, will be cut off; and by adding to the evidence of bravery and skill, in combats on the ocean and the land, an alacrity in supplying the treasure necessary to give them their fullest effect, and thus demonstrating to the world the publick energy which our political institutions combine with the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights or the peace of the nation.

The contest in which the United States are engaged, appeals for its support, to every motive that can animate an uncorrupted and enlightened people; to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence, by a successful vindication of its violated attributes; to the gratitude and sympathy which demand security from the most degrading wrongs, of a class of citizens, who have proved themselves so worthy the protection of their country, by their heroick

real in its defence ; and finally, to the sacred obligation of transmitting, entire, to future generations, that precious patrimony of national rights and independence which is held in trust by the present, from the goodness of Divine Providence.

Being aware of the inconveniences to which a protracted session at this season would be liable, I limit the present communication to objects of primary importance. In special messages which may ensue, regard will be had to the same consideration.

JAMES MADISON.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE SENATE. JUNE 7, 1813.

I TRANSMIT to the Senate, a report of the Secretary of State, complying with their resolution of the third instant.

JAMES MADISON.

## REPORT.

THE Secretary of State, to whom was referred the resolution of the Senate of the third instant, requesting the President to cause to be laid before the Senate, the correspondence which may have passed between the United States and the king of Sweden, respecting the interchange of publick ministers, has the honour to report to the President, that no direct correspondence has taken place on the subject.

In reference to the object of the resolution, the Secretary of State submits several extracts of letters from Mr. Speyer, consul of the United States at Stockholm, and a letter from Mr. Beasley, commissary of prisoners at London, by which the wishes and the intentions of the Swedish government

in relation to the interchange of ministers, have been made known to this department.

Respectfully submitted,

JAMES MONROE.

Department of State, June 7, 1813.

*Mr. Beasley to the Secretary of State. London, December 12, 1813.*

SIR,—Referring to my letter of the 10th instant, I have now the honour to transmit copy of the letter which I informed you that I had received from Mr. Speyer, and of that which I stated it was my intention to address to him, on the subject of our relations with Sweden.

Notwithstanding the present apparent irritation of the Swedish government, I have been assured by Mr. De Kantzow, and I learn from other sources, that it has invariably manifested the most friendly disposition towards the United States. Those American vessels which have sought shelter in its ports have experienced perfect protection. British cruisers are not allowed within its territories to dispose of prizes they make from the United States; and in some instances, the protection of Swedish convoy has been afforded to American vessels passing through the Sound.

Indeed this circumstance, Mr. De Kantzow informed me, had been mentioned to him by Lord Castlereagh with no satisfaction.

I fear, however, that the art and intrigues of our enemy will, if not speedily counteracted, produce a state of things equally unfriendly. I collect from various quarters that considerable dissatisfaction is entertained by the Swedish government that the United States have not appointed a minister near it.

The jealousy which has long existed between Sweden and Denmark, is said to have contributed no little to the feeling to which this mission has given rise, seeing that the United States have had a minister near the Danish government. Mr. De Kantzow seemed anxious to know whether a minister was or would be appointed; and I am

inclined to believe that his stay here is prolonged on that account.

The crown prince is fond of court and splendour ; the government is poor ; and to say nothing of the two great spoliators, the example of Denmark is immediately before it.

I beg to add, that the result of all the information I can collect, is, that the fate of all the American property, now in the dominions of Sweden, will depend on the course which the government of the United States may pursue on this critical and delicate emergency.

I have the honour to be, &c.

R. G. BEASLEY.

#### No. 10.

*Extract of a Letter from John Speyer, Esq. Consul of the United States at Stockholm, to the Secretary of State, Stockholm, January 18, 1812.*

THE minister of foreign affairs, in the course of our conversation yesterday, mentioned that both the king and prince royal were desirous to maintain and extend the friendly relations and commercial intercourse now subsisting between us, and intend to send a minister or charge des affaires to the United States. He would name the person designated for that mission, were it ascertained whether he accepted of it.

#### No. 11.

*Extract of a Letter from the Same to the Same. Stockholm, January 21, 1812.*

THE gentleman mentioned in my No. 10, as intended to be sent to the United States, is Mr. Kantzow, who lately returned from Brazils, where he resided charge des affaires of the king several years : he had before been consul general of Sweden, in Portugal.

He informed me yesterday, that he was to go as charge des affaires, which he refused, but consented to accept the appointment as minister.

From the personal knowledge I have of Mr. Kantzow, I think him well calculated to contribute to the good understanding of our respective governments.

## EXTRACT.

*Mr. Speyer to the Secretary of State. Stockholm, March 31, 1812.*

"On the 24th the minister of foreign affairs told me that the king had on that day directed him to inform me, that he would send Mr. Kantzow as minister resident to the United States. I understand that Mr. Kantzow is to leave this with his family, early in May, by way of England."

## EXTRACT.

*Same to the Same. May 18, 1812, Orebro.*

"Mr. KANTZOW, who is appointed minister to the United States, is still here; he expects to receive his instructions soon, when he will set out on his voyage."

## EXTRACT.

*From the Same to the Same. Stockholm, September 25, 1812.*

"Mr. KANTZOW has received his credentials as minister resident at Washington, and was despatched from Orebro on the 15th ult. He is now in London, and will probably remain there next winter. The prince royal informed me the 4th instant, that he had directed Mr. Kantzow to represent to the English government his desire to see a good understanding restored with the United States."

## EXTRACT.

*From the Same to the Same. Stockholm, September 25,  
1812.*

"As this government expect the appointment of a minister or a charge des affaires, in return for Mr. Kaantzow's mission, I have not presented the commission as consul for this place. I am apprehensive it might be ungraciously received here after their notification of the appointment of a minister.

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**MESSAGE**

FROM THE PRESIDENT OF THE UNITED STATES, TO THE  
HOUSE OF REPRESENTATIVES. JULY 12, 1813.

I TRANSMIT to the House of Representatives a report of the Secretary of State, containing the information requested by their resolutions of the 21st of June last.

JAMES MADISON.

**REPORT.**

THE Secretary of State, to whom was referred several resolutions of the House of Representatives of the 21st ultimo, requesting information on certain points relating to the French decree of the 28th April, 1811, has the honour to make to the President the following report :

In furnishing the information required by the House of Representatives, the Secretary of State presumes that it might be deemed sufficient for him to state what is now demanded, what part thereof has been heretofore communicated, and to supply the deficiency. He considers it, however, more conformable to the views of the House, to meet, at this time, without regarding what has been al-

ready communicated, every inquiry, and to give a distinct answer to each, with the proper explanation relating to it.

The House of Representatives has requested information, when, by whom, and in what manner, the first intelligence was given to this government of the decree of the government of France, bearing date on the 28th April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan; whether Mr. Russell, late charge des affaires of the United States to the government of France, ever admitted or denied to his government the correctness of the declaration of the duke of Bassano to Mr. Barlow, as stated in Mr. Barlow's letter of the 12th May, 1812, to the Secretary of State, that the said decree had been communicated to him, Mr. Barlow's, predecessor there, and to lay before the House any correspondence with Mr. Russell on that subject, which it may not be improper to communicate, and also any correspondence between Mr. Barlow and Mr. Russell, in possession of the department of state; whether the minister of France to the United States ever informed this government of the existence of the said decree, and to lay before the House any correspondence with the said minister relative thereto, not improper to be communicated, with any other information in possession of the Executive, which he may not deem it injurious to the publick interest to disclose, relative to the said decree, tending to show at what time, by whom, and in what manner, it was first made known to this government, or to any of its representatives or agents; and lastly, to inform the House whether the government of the United States hath ever received from that of France any explanation of the reasons of that decree being concealed from this government and its minister for so long a time after its date, and if such explanation has been asked by this government, and has been omitted to be given by that of France, whether this government has made any remonstrance or expressed any dissatisfaction to the government of France at such concealment?

These inquiries embrace two distinct objects. The first relates to the conduct of the government of France, in regard to this decree. The second, to that of the govern-

ment of the United States. In satisfying the call of the House on this latter point, it seems to be proper to meet it in a two-fold view ; first, as it relates to the conduct of this government in this transaction ; secondly, as it relates to its conduct towards both belligerents, in some important circumstances connected with it. The resolutions do not call specially for a report of such extent, but as the measures of the Executive, and the acts of Congress founded on communications from the Executive, which relate to one of the belligerents, have, by necessary consequence, an immediate relation to the other, such a report seems to be obviously comprised within their scope. On this principle the report is prepared, in the expectation that the more full the information given, on every branch of the subject, the more satisfactory will it be to the House.

The Secretary of State has the honour to report, in reply to these inquiries, that the first intelligence which this government received of the French decree of the 28th April, 1811, was communicated by Mr. Barlow, in a letter bearing date on the 12th of May, 1812, which was received by this department on the 13th of July following : that the first intimation to Mr. Barlow of the existence of that decree, as appears by his communications, was given by the duke of Bassano in an informal conference on some day between the 1st and 10th of May, 1812, and that the official communication of it to Mr. Barlow was made on the 10th of that month, at his request : that Mr. Barlow transmitted a copy of that decree, and of the duke of Bassano's letter announcing it, to Mr. Russell, in a letter of May 11, in which he also informed Mr. Russell that the duke of Bassano had stated that the decree had been duly communicated to him : that Mr. Russell replied in a letter to Mr. Barlow of the 29th of May, that his first knowledge of the decree was derived from his letter ; and, that he has repeatedly stated the same since to this government. The paper marked (A) is a copy of an extract of Mr. Barlow's letter to the department of state, of May 12, 1812 ; (B) of the duke of Bassano's letter to Mr. Barlow, of the 10th of the same month ; (C) of an extract of Mr. Barlow's letter to Mr. Russell, of May 11th ; (D) of an extract of Mr. Russell's answer of the 29th May,

and (E) of Mr. Russell's letter to the department of state of the 30th.

The Secretary of State reports also, that no communication of the decree of the 28th April, 1811, was ever made to this government by the minister of France, or other person, than as above stated, and that no explanation of the cause of its not having been communicated to this government and published, at the time of its date, was ever made to this government, or, so far as it is informed, to the representatives or agents of the United States in Europe. The minister of France has been asked to explain the cause of a proceeding apparently so extraordinary and exceptionable, who replied, that his first intelligence of that decree was received by the Wasp, in a letter from the duke of Bassano of May 10th, 1812, in which he expressed his surprise that a prior letter of May, 1811, in which he had transmitted a copy of the decree, for the information of this government, had not been received. Further explanations were expected from Mr. Barlow, but none were given. The light in which this transaction was viewed by this government, was noticed by the President in his message to Congress, and communicated also to Mr. Barlow, in the letter of the 14th July, 1812, with a view to the requisite explanation from the French government. On the 9th of May, 1812, the emperor left Paris for the north, and in two days thereafter the duke of Bassano followed him. A negotiation for the adjustment of injuries, and the arrangement of our commerce, with the government of France, long depending, and said to have been brought nearly to a conclusion, at the time of Mr. Barlow's death, was suspended by that event. His successor, lately appointed, is authorized to resume the negotiation, and to conclude it. He is instructed to demand redress of the French government for every injury, and an explanation of its motive for withholding from this government a knowledge of the decree, for so long a time after its adoption.

It appears by the documents referred to, that Mr. Barlow lost no time, after having obtained a knowledge of the existence of the French decree of the 28th April, 1811, in demanding a copy of it, and transmitting it to Mr. Russell, who immediately laid it before the British government,

ing, on the ground of this new proof of the repeal of the French decrees, that the British orders in council should be repealed. Mr. Russell's note to lord Castlereagh bears date on the 20th May; lord Castlereagh's reply on the 23d, in which he promised to submit the decree to the consideration of the prince regent. (See papers marked F.) It appears, however, that no encouragement was given at that time, to hope that the orders in council would be repealed, in consequence of that decree; and, that although it was afterwards made the ground of their repeal, the repeal was, nevertheless, to be ascribed to other causes. Their repeal did not take effect until the 23d June, more than a month after the French decree had been laid before the British government; a delay indicating in itself, at a period so momentous and critical, not merely neglect but disregard of the French decree. That the repeal of the British orders in council, was not produced by the French decree, other proofs might be adduced. I will state one, which, in addition to the evidence contained in the letters from Mr. Russell herewith communicated, (marked G.) is deemed conclusive. In the communication of Mr. Baker to Mr. Graham, on the 9th August, 1812, (marked H.) which was founded on instructions from his government, of as late date as the 17th June, in which he stated, that an official declaration would be sent to this country, proposing a conditional repeal of the orders in council, so far as they affected the United States, no notice whatever was taken of the French decree. One of the conditions then contemplated was, that the orders in council should be revived at the end of eight months, unless the conduct of the French government, and the result of the communications with the government of the United States, should be such, as, in the opinion of the British government, to render their revival unnecessary: a condition which proves uncontestably that the French decree was not considered by the British government, a sufficient ground on which to repeal the orders in council; it proves also that on that day the British government had resolved not to repeal the orders on the basis of that decree; since the proposed repeal was to depend, not on what the French government had already done, but on what it might do, and on arrange-

ments to be entered into with the United States, unconnected with the French repeal.

The French decree of the 28th April, 1811, was transmitted to the United States by the *Wasp*, a publick vessel, which had been long awaiting, at the ports of Great Britain and France, despatches from our ministers relating to these very important concerns with both governments. It was received at the department of state on the 13th July, 1812, nearly a month after the declaration of war against Great Britain. Intelligence of the repeal of the orders in council was not received until about the middle of the following month. It was impossible therefore that either of these acts, in whatever light they might be viewed, should have taken into consideration, or have had any influence in deciding on that important event.

Had the British government been disposed to repeal its orders in council, in conformity with the principle on which it professed to have issued them, and on the condition which it had itself prescribed, there was no reason to delay the repeal until such a decree as that of the 28th April, 1811, should be produced. The declaration of the French government of August 5, 1810, had fully satisfied every claim of the British government according to its own principles on that point. By it the decrees of Berlin and Milan were declared to be repealed, the repeal to take effect on the 1st November following, on which day it did take effect. The only condition attached to it was, either that Great Britain should follow the example, and repeal her orders in council, or that the United States should carry into effect against her, their non-importation act. This condition was in its nature subsequent, not precedent, reserving a right in France to revive her decrees in case neither alternative was performed. By this declaration it was put completely in the power of Great Britain to terminate this controversy in a manner the most honourable to herself. France had yielded to her the ground on a condition, with which she had declared her willingness to comply. Had she complied, the non-importation act would not have been carried into effect, nor could the French decrees have been revived. By refusing to comply, she has made herself responsible for all that has since followed.

By the decree of the 28th April, 1811, the decrees of Berlin and Milan were said to be definitively repealed, and the execution of the non-importation act against Great Britain was declared to be the ground of that repeal. The repeal, announced by the declaration of the 5th August, 1810, was absolute and final, except as to the condition subsequent attached to it. This latter decree acknowledges that that condition had been performed, and disclaims the right to revive it in consequence of that performance, and, extending back to the 1st of November, confirms in every circumstance the preceding repeal. The latter act, therefore, as to the repeal, is nothing more than a confirmation of the former. It is in this sense that those two acts are to be understood in France. It is in the same sense that they are to be regarded by other powers.

In repealing the orders in council on the pretext of the French decree of the 28th of April, 1811, the British government has conceded that it ought to have repealed them on the declaration of the 5th August, 1810. It is impossible to discriminate between the two acts, or to separate them from each other, so as to justify, on sound and consistent principles, the repeal of the orders in council on the ground of one act, and the refusal to repeal them on that of the other. The second act makes the repeal definitive; but for what reason? Because the non-importation act had been put in force against Great Britain, in compliance with the condition subsequent attached to the former repeal, and her refusal to repeal her orders in council. That act being still in force, and the decree of the 28th April, 1811, being expressly founded on it, Great Britain repeals her orders in council on the basis of this latter decree. The conclusion is, therefore, irresistible, that by this repeal, under all the circumstances attending it, the British government has acknowledged the justice of the claim of the United States to a repeal on the former occasion. By accepting the latter repeal, it has sanctioned the preceding one; it has sanctioned also the conduct of this government in carrying into effect the non-importation act against Great Britain, founded on the preceding repeal.

Other important consequences result from this repeal of the British government. By fair and obvious construction, the acceptance of the decree of the 28th April, 1811, as the ground of the repeal of the orders in council, ought to be construed to extend back to the 1st November, 1810, the day on which the preceding repeal took effect. The Secretary of State has full confidence that if this question could be submitted to the judgment of an impartial judicial tribunal, such would be its decision. He has equal confidence that such will be the judgment pronounced on it by the enlightened and impartial world. If, however, these two acts could be separated from each other, so as that the latter might be made the basis of the repeal of the orders in council, distinct from the former, it follows, that bearing date on the 28th April, 1811, the repeal ought to have relation to that date. In legal construction between nations as well as individuals, acts are to be respected from the time they begin to operate, and where they impose a moral or political obligation on another party, that obligation commences with the commencement of the act. But it has been urged, that the French decree was not promulgated or made known to the British government until a year after its date. This objection has no force. By accepting an act bearing date a year before it was promulgated, it is admitted that in the interval nothing was done repugnant to it. It cannot be presumed, that any government would accept from another, as the basis on which it was to found an important measure, an act of anterior and remote date, pledging itself to a certain course of conduct which that government had in the interval departed from and violated. If any government had violated an act, the injunctions of which it was bound to observe, by an anterior one in relation to a third party, and which it professed to have observed before its acceptance by the other, it could not be presumed that it would cease to violate it after the acceptance. The conclusion is irresistible, that if the other government did accept such act with a knowledge of its antecedent violation, as the foundation of any measure on its own part, such act must have been the ostensible only, and not the real motive to such measure.

The declaration of the prince regent of the 21st April, 1812, is in full confirmation of these remarks. By this act of the British government, it is formally announced, on the authority of a report of the secretary of foreign affairs to the conservative senate of France, that the French decrees were still in force, and that the orders in council should not be repealed. It cannot fail to excite considerable surprise that the British government should immediately afterwards, that is, on the 23d of June, repeal its orders in council, on the ground of the French decree of the 28th April, 1811. By this proceeding the British government has involved itself in manifest inconsistency. It has maintained by one act, that the French decrees were in full force, and by another that they were repealed during the same space of time. It admits also, that by no act of the French government, or of its cruisers, had any violation of the repeal announced by the declaration of the French government of the 5th August, 1810, been committed, or at least, that such violation had not had sufficient weight to prevent the repeal of the orders in council.

It was objected that the declaration of the French government of the 5th August, 1810, was not such an act as the British government ought to have regarded. The Secretary of State is thoroughly satisfied that this objection is altogether unfounded. It was communicated by the emperor through his highest official organ, the secretary of foreign affairs, to the minister plenipotentiary of the United States at Paris. It is impossible to conceive an act more formal, authentick or obligatory on the French government, than that alluded to. Does one government ever ask or expect from another to secure the performance of any duty, however important, more than its official pledge fairly and fully expressed? Can better security be given for its performance? Had there been any doubt on this subject, the conduct of Great Britain herself, in similar cases, would have completely removed it. The whole history of her diplomatic intercourse with other powers, on the subject of blockade, is in accord with this proceeding of the French government. We know that when her government institutes a blockade, the secretary of foreign affairs announces it to the ministers of other powers at

London, and that the same form is observed when they are revoked. Nor was the authenticity of either act, thus announced, ever questioned.

Had a similar declaration been made by the minister of France in the United States to this government, by the order of his own, would it not have been entitled to respect, and been respected? By the usage of nations, such respect could not have been withheld. The arrangement made with Mr. Erskine, is a full proof of the good faith of this government, and of its impartiality in its transactions with both the belligerents. It was made with that minister on the ground of his publick character, and the confidence due to it: on which basis the non-intercourse was removed as to England, and left in full force against France. The failure of that arrangement was imputable to the British government alone, who, in rejecting it, took on itself a high responsibility, not simply in regard to the consequences attending it, but in disavowing and annulling the act of its minister, without showing that he had exceeded his authority. In accepting the declaration of the French minister of foreign affairs, in proof of the French repeal, the United States gave no proof of improper credence to the government of France. On a comparison of both transactions, it will appear that if a marked confidence and respect was shown to either government, it was to that of Great Britain. In accepting the declaration of the government of France in the presence of the emperor, the United States stood on more secure ground, than in accepting that of a British minister in this country.

To the demand made by the United States of the repeal of the British orders in council, founded on the basis of the French repeal of August 5th, 1810, the British government replied, by demanding a copy of the orders issued by the French government for carrying into effect that repeal; a demand without example in the intercourse between nations. By this demand it ceased to be a question whether the French repeal was of sufficient extent, or was founded on justifiable conditions. The pledge of the French government was doubted; a scrutiny was to be instituted as to the manner in which it was to be discharged, and its faith preserved, not by the subsequent

conduct of its cruisers towards the vessels of the United States, but by a copy of the orders given to its cruisers. Where would this end? If the French government intended a fraud by its declaration of repeal, announced to the minister of the United States, and afterwards to this government, might it not likewise commit a fraud in any other communication which it might make? If credit was refused by the British government to the act of the French government, thus formally announced, is it probable that it would have been given by it, to any document of inferior character, directed to its own people. Although it was the policy, and might be the interest of the British government to engage the United States in such a controversy with the French government, it was far from comporting with their interests to do it. They considered it their duty to accept the repeal already made by the French government of its decrees, and to look to its conduct, and to that of its cruisers, sanctioned by the government, for the faithful performance or violation of it. The United States having been injured by both powers, were unwilling, in their exertions to obtain justice of either, to become the instrument of the other. They were the less inclined to it in the present instance, from the consideration, that the party making the pressure on them, maintained in full force its unlawful edicts against the American commerce, while it could not deny that a considerable advance, at least, had been made by the other towards a complete accommodation, it being manifest to the world, not only that the faith of the French government stood pledged for the repeal of its decrees, but that the repeal did take effect on the first of November, 1810, in regard to the United States; that several American vessels taken under them had been delivered up; and judicial decisions suspended on all, by its order, and that it also continued to give the most positive assurances that the repeal should be faithfully observed.

It has also been urged that the French repeal was conditional, and for that reason could not be accepted. This objection has already been fully answered. It merits attention, however, that the acts of the British government relating to this subject, particularly the declaration of the 21st April, 1812, and the repeal of the 23d June, of the same year, are equally, and in like manner conditional.

It is not a little surprising that the British government should have objected to a measure in another government, to which it has itself given a sanction by its own acts. It is proper, however, to remark, that this objection has been completely waved and given up by the acceptance of the decree of the 28th April, 1811.

The British government has urged also, that it could not confide in the faithful performance by the French government of any engagement it might enter into relative to the repeal of its decrees. This objection would be equally applicable to any other compact to be entered into with France. While maintained, it would be a bar to any treaty, even to a treaty of peace, between them. But it also has been admitted to be unfounded by the acceptance of the decree of the 28th April, 1811.

The Secretary of State presumes that these facts and explanations, supported as they are by authentick documents, prove—first, that the repeal of the British orders in council was not to be ascribed to the French decree bearing date on the 28th April, 1811; and, secondly, that in making that decree the basis of their repeal, the British government has conceded that it ought to have repealed them on the ground of the declaration of the French government of 5th August, 1810, so as to take effect on the 1st November following. To what cause the repeal of the British orders in council was justly attributable cannot now remain a doubt with any who have marked, with a just discernment, the course of events. It must afford great consolation to the good people of these States to know, that they have not submitted to privations in vain.

The discussion of other wrongs, particularly that relating to impressment, had been closed some time before the period alluded to. It was unworthy the character of the United States to pursue the discussion on that difference, when it was evident that no advantage could be derived from it. The right was reserved to be brought forward and urged again, when it might be done with effect. In the meantime the practice of impressment was persevered in with rigour.

At the time when war was declared against Great Britain, no satisfactory arrangement was offered, or likely to be obtained, respecting impressment, and nothing was

more remote from the expectation of this government, than the repeal of the orders in council. Every circumstance which had occurred tending to illustrate the policy and views of the British government, rendered such an event altogether improbable. From the commencement of that system of hostility which Great Britain had adopted against the United States, her pretensions had gradually increased, or at least become more fully unfolded, according to circumstances, until, at the moment when war was declared, they had assumed a character which dispelled all prospect of accommodation. The orders in council were said to have been adopted on a principle of retaliation on France, although at the time when the order of May, 1806, was issued, no measure of France had occurred on which it could be retaliatory, and at the date of the next order, January, 1807, it was hardly possible that this government should have even heard of the decree of Berlin to which it related. It was stated at the time of their adoption, and for some time afterwards, that they should be revoked as soon as France revoked her decrees, and that the British government would proceed with the government of France *pari passu* in the revocation. After the declaration, however, of the French government of the 5th August, 1810, by which the Berlin and Milan decrees were declared to be repealed, the British government changed its tone, and continued to rise in its demands, to the moment that war was declared. It objected, first, that the French repeal was conditional, and not absolute; although the only condition attached to it was, that Great Britain should follow the example, or the United States fulfil their pledge, by executing the non-importation act against her. It was then demanded that France should repeal her internal regulations, as a condition of the repeal of the British orders in council. Next, that the French repeal should be extended to all neutral nations, as well as to the United States; and lastly, that the ports of her enemies, and all ports from which the British flag was excluded, should be opened to British manufactures in American vessels: conditions so extravagant as to satisfy all dispassionate minds, that they were demanded not in the expectation that they would or could be complied with, but to terminate the discussion.

On full consideration of all circumstances, it appeared that the period had arrived, when it became the duty of the United States to take that attitude with Great Britain which was due to their violated rights, to the security of their most important interests, and to their character as an independent nation. To have shrunk from the crisis would have been to abandon every thing valuable to a free people. The surrender of our seamen to British impressment, with the destruction of our navigation and commerce, would not have been its only evils. The desolation of property, however great and widely spread, affects an interest which admits of repair. The wound is incurable only which fixes a stigma on the national honour. While the spirit of the people is unsubdued, there will always be found in their virtue a resource equal to the greatest dangers, and most trying emergencies. It is in the nature of free government to inspire in the body of the people generous and noble sentiments, and it is the duty of the constituted authorities to cherish and to appeal to those sentiments, and to rely on the patriotick support of their constituents. Had they proved themselves unequal to the crisis, the most fatal consequences would have resulted from it. The proof of their weakness would have been recorded ; but not on them alone would its baneful effects have been visited. It would have shaken the foundation of the government itself, and even of the sacred principles of the revolution, on which all our political institutions depend. Yielding to the pretensions of a foreign power, without making a manly effort in defence of our rights, without appealing to the virtue of the people, or to the strength of our Union, it would have been charged and believed, that in these sources lay the hidden defects. Where would the good people of these States have been able to make another stand ? Where would have been their rallying point ? The government of their choice, having been dishonoured, its weakness and that of their institutions demonstrated, the triumph of the enemy would have been complete. It would also have been durable.

The constituted authorities of the United States neither dreaded nor anticipated these evils. They had full confidence in the strength of the Union, in the firmness and virtue of the people, and were satisfied when the appeal

should be made, that ample proof would be afforded that their confidence had not been misplaced. Foreign pressure, it was not doubted, would soon dissipate foreign partialities and prejudices, if such existed, and unite us more closely together as one people.

In declaring war against Great Britain, the United States have placed themselves in a situation to retort the hostility which they had so long suffered from the British government. The maintenance of their rights was the object of the war. Of the desire of this government to terminate the war on honourable conditions, ample proof has been afforded by the proposition made to the British government, immediately after the declaration of war, through the charge des affaires of the United States at London, and by the promptitude and manner of the acceptance of the mediation of the emperor of Russia.

It was anticipated by some, that a declaration of war against Great Britain would force the United States into a close connexion with her adversary, much to their disadvantage. The Secretary of State thinks it proper to remark, that nothing is more remote from the fact. The discrimination in favour of France, according to law, in consequence of her acceptance of the proposition made equally to both powers, produced a difference between them in that special case, but in that only. The war with England was declared without any concert or communication with the French government; it has produced no connexion between the United States and France, or any understanding as to its prosecution, continuance or termination. The ostensible relation between the two countries, is the true and only one. The United States have just claims on France for spoliation on their commerce on the high seas, and in the ports of France, and their late minister was, and their present minister is, instructed to demand reparation for these injuries, and to press it with the energy due to the justice of their claims, and to the character of the United States. The result of the negotiation will be communicated to Congress in due time. The papers marked (1) contain copies of two letters, addressed from this department to Mr. Barlow, one of the 16th June, 1812, just before the declaration of war, the other of the 14th July following, which show distinctly

the relation existing between the United States and France at that interesting period. No change has since occurred in it.

All which is respectfully submitted.

JAMES MONROE.

The President of the United States.

Department of State, July 12, 1813.

# DOCUMENTS.

(A.)

*Extract of a Letter from Mr. Barlow to Mr. Monroe.  
Paris, May 12, 1812.*

[See page 214.]

(B.)

*The Duke of Bassano to Mr. Barlow. Paris, May 10,  
1812.*

[See page 215.]

*Copy of a Letter from the Minister of Finance to the Count  
of Sussy, Counsellor of State, Director General of the  
Customs. December 25, 1810.*

[See preceding vol. page 22.]

FRENCH EMPIRE.

PARIS, DEC: 26, 1810.

*Copy of a Letter from His Excellency the Grand Judge,  
Minister of Justice, to the Counsellor of State, President  
of the Council of Prizes.*

[See preceding vol. page 21.]

*Palace of St. Cloud, April 28, 1811.*

NAPOLÉON, emperor of the French, &c. &c.

[See page 82.]

( C. )

*Extract of a Letter from Mr. Barlow to Mr. Russell.  
Paris, May 11, 1812.*

" I HAVE concluded to despatch the *Wasp* to England, expressly to carry to you the documents herewith enclosed.

" I was not a little surprised to learn by the declaration of the prince regent in council, of the 21st of April, that it was still believed by the British government that the French decrees of Berlin and Milan yet remained in force, as applicable to the United States. On reading that declaration, I, therefore, addressed to the duke of Bassano a note bearing date the 1st of May, of which I enclose you a copy.

" This drew from him the answer of which I likewise hand you a copy with the three documents that accompanied it. The most remarkable of these is the decree of the 28th April, 1811. This piece I had never before seen; it appears that it had not been published at the time of its date, and not finding it among the archives of this legation, I suspect, that by some omission or neglect, it was not communicated to you as it ought to have been. The duke, however, assures me that it was so communicated. Be this as it may, I am convinced it has not been made known to the British government."

( D. )

*Extract of a Letter from Mr. Russell to Mr. Barlow.  
London, May 29, 1812.*

" YOUR letter of the 11th of this month, with its enclosures, was handed me on the 20th, and I immediately communicated copies of the letters from the French minister's of the 21st of December, 1810, and also of the decree of the 28th of April, 1811, to this government. The letters were already known, but the decree, from the cause undoubtedly which you so justly assign, namely, "an omission or neglect in not having communicated it to me," was entirely new.

"The duke of Bassano has unquestionably full faith in what he assures you, but the date of the decree is so very remote, that it is not surprising that our memories should not accord on the subject."

( E. )

*Extract of a Letter from Mr. Russell to Mr. Monroe.  
London, May 30, 1812.*

WITH regard to the French decree of the 28th of April, 1811, Mr. Barlow, in a letter to me, makes the following remarks: 'This piece I had never before seen; it seems that it *had not been published* at the time of its date, and not finding it among the archives of this legation, I suspect, that by some omission or neglect, it was not communicated to you, as it ought to have been. The duke assures me that it was so communicated. Be this as it may, I am convinced it has not been made known to the British government.' I content myself with saying, that until communicated to me by Mr. Barlow, I had never heard of such a thing. I persuade myself that there is no necessity of my adding any further explanation or comment on this strange business.

With great respect, I am, sir, &c.

JONA. RUSSELL.

( F. )

*Mr. Russell to Mr. Monroe. London, May 25, 1812.*

[See page 81.]

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street,  
May 20, 1812.*

[See page 81.]

*Lord Castlereagh to Mr. Russell. Foreign Office, May  
23, 1812.*

[See page 83.]

( G. )

*Mr. Russell to Mr. Monroe. London, May 25, 1812.*

SIR,—The assassination of Mr. Percival has led to a dissolution of his ministry, and I hope may lead to an abandonment of his system as far as we are concerned.

The vote, on the motion of Mr. Stewart Wortley, on the 21st, for an address to the prince regent, to form a more efficient administration, has driven the old ministers to offer their resignation. The new arrangements are entrusted to lord Wellesley, but nothing is yet effected.

Mr. Canning appears to be associated with his lordship in this business, which I cannot consider as a circumstance very auspicious to us.

There will, undoubtedly, be much difficulty in forming the new cabinet; none of the old ministers will act under lord Wellesley, he having so recently refused to act under them. Besides there is considerable difference on essential points of policy. The members of opposition have a repugnance to act under any leader not taken from their own ranks, and they certainly will not constitute a part of any administration that does not adopt their system.

The probability therefore is, that either lord Wellesley and Mr. Canning will not succeed in performing the task imposed upon them, or that they will perform it so imperfectly as to expose their work to early destruction.

Whatever may be the ingredients of which the new cabinet may be composed, I am not altogether without hope that the orders in council will be modified if not removed. The effects of our embargo, the evidence before parliament of the distresses occasioned by those orders, and the change of ministers itself, afford both cause and colour for this proceeding.

I say nothing of the French decree, of which I this day send you a copy, as without the circumstances just mentioned, it would, I am persuaded, have been disregarded.

I shall dismiss the Wasp as soon as the new ministry is formed, or before, unless that event happens in a few days. She will return to Cherbourg.

With great respect, I am, &c.

JONA. RUSSELL.

*Extract of a Letter from Mr. Russell to Mr. Monroe.  
London, June 13, 1812.*

"THE difficulty which has been encountered in forming a new cabinet, has appeared to render it necessary to support the old one; and upon this ground the house of commons appear to have acted last evening, in giving to ministers, on the second motion of Mr. Wortley, a majority of 125.

"Notwithstanding these inauspicious circumstances and all the prejudice of the men now in place, respecting the United States, yet I know not how the orders in council can be maintained without the most serious consequences both to this government and country. It is impossible, in the face of the evidence now before parliament, to deny the vital importance of our intercourse to this nation, and obstinate as the ministry is, I do not entirely despair that it will be forced from its system, or from power. I have some slender hope that this evidence may, even on the motion of Mr. Brougham on Tuesday next, produce some change, although it hardly seems probable that the ministers will allow the question to come on without the certainty of a triumph."

*Mr. Russell to Mr. Monroe. London, June 13, 1812.*

SIR,—I hand you herein the *Times* of yesterday, containing the debate in the house of commons on the preceding evening, relative to the orders in council. From this debate it appears that these measures are to be abandoned, but as yet no official extinction of them has been announced. The time already elapsed since the declaration of lord Castlereagh, excites a suspicion that either the promised revocation will not take place, or what is more probable, some other measure, equally unjust, is now under consideration, to replace those which are to be revoked.

I hope, until the doings here are ascertained with certainty and precision, there will be no relaxation on our part.

With great respect, your very obedient servant,

JONATHAN RUSSELL.

*Extracts of a Letter from Mr. Russell to Mr. Monroe.  
London, June 30, 1812.*

"I HAVE, at length, had the satisfaction to announce to you, in my letters of the 26th instant, the revocation of the orders in council.

"You will, without doubt, be somewhat surprised that this revocation is founded on the French decree of the 28th of April, 1811.

"The real cause of the revocation is the measures of our government. These measures have produced a degree of distress among the manufacturers of this country that was becoming intolerable; and an apprehension of still greater misery, from the calamities of war, drove them to speak a language which could not be misunderstood or disregarded.

"Many members of the house of commons, who had been the advocates of the orders in council, particularly Mr. Wilberforce, and others from the northern counties, were forced now to make a stand against them, or to meet the indignation of their constituents at the approaching election. It is, therefore, the *country*, and not the opposition, which has driven the ministers to yield on this occasion, and the eloquence of Mr. Brougham would have been in vain had it been destitute of this support.

"What has now been done, has been most reluctantly done, and yielded to coercion instead of being dictated by a spirit of justice and conciliation. The ministers were resolved to concede nothing until the last extremity. Lord Castlereagh undoubtedly went down to the house of commons on the 16th instant, determined to preserve the orders in council in their full force, and when he perceived that he should be in the minority, he endeavoured to compromise by giving up as little as possible.

"It was decided by the cabinet, in consequence of the vague declarations of his lordship on that night, to *suspend* the orders in council, and to make this suspension to depend upon conditions to be previously proposed to the United States. Driven from this ground by the motion of Mr. Brougham for the call of the house, for Thursday the 25th of this month, the ministers at length issued the or-

der of the 23d, and even this order was carried in the cabinet by a small majority only, five members voting against it. With these facts before me, I feel myself constrained to chasten my exultation on what has taken place, with some fear of a return of the old injustice in a new form."

( H. )

*Mr. Graham to Mr. Russell. Department of State, August 9, 1812.*

[See page 62.]

*Mr. Graham to Mr. Russell. Department of State, August 10, 1812.*

[See page 63.]

*Memorandum referred to in the above Letter.*

[See page 64.]

( I. )

*Mr. Monroe to Mr. Barlow. Department of State, June 16, 1812.*

SIR,—An act declaring war against Great Britain will probably pass both houses of Congress on this day or tomorrow. It has already passed the House of Representatives, and, from what is known of the disposition of the Senate, its assent is expected without delay.

This result has grown out of the continued aggressions of that power on our commerce. Propositions were made in both houses of Congress to comprise France in the same declaration, and in the Senate the vote was 15 for, to 17 against it. In the other House the majority against it was proportionably greater. Its defeat in both houses has been doubtless, in a great measure, owing to a passage in your last letter, which intimated the intention of the French government to make some proposition in favour of

indemnities, to be comprised in the treaty you were negotiating, whereby an expectation was excited that that interest would be provided for, and satisfaction given on the other grounds of complaint against France. The sentiment in both houses, as it is with the nation generally, produced by so many acts of injustice, for which reparation has not been made, is strong against France. The arrival of the Wasp, which you promised to despatch in two or three weeks from the date of your last letter, with the result of your labours, and which may be now daily expected, was another motive for delaying ulterior measures with respect to her. In advising the war against England, as was distinctly implied by the late message, which brought that subject under consideration, the President stated to Congress his strong dissatisfaction with the conduct of the French government on every former ground of complaint, and to which others of more recent date have been added, with the single exception of the repeal of the decrees. He promised also to bring our affairs with that power fully before Congress, as soon as he should receive the communications which you had promised to forward by the Wasp. I communicate these facts, which are of a character too marked to require any comment, that you may be enabled to turn them to the best account in promoting an amicable accommodation with the French government of every wrong received from it, which is sincerely desired.

You were informed by my letter of the 6th of May, of such outrages committed by a squadron which was reported to have sailed from Nantz in January last, as were at that time known here. It appears that several vessels sailing from American ports to Lisbon and Cadiz, laden with the productions of the United States, were seized and burnt at sea. The crews of these vessels were taken on board one of the French vessels, and afterwards transferred to another of our vessels engaged in the same trade, which was also seized, in which they made their way home. These men forwarded here the evidence of these acts, copies of which have already been transmitted to you. I forward to you by this conveyance, the evidence of other aggressions, which will claim, in like manner, your particular attention. Most of these documents

have been laid before Congress, and referred by it to this department.

You will analyze all these cases of recent spoliations, and place them in the class of aggressions to which they severally belong, on principle. In demanding of Great Britain the repeal of her orders in council, on the ground of the repeal of the French decrees, this government has, from a regard to justice, given to France all the credit to which she had any claim, believing that the notification alone of the French minister of foreign affairs, to the minister plenipotentiary of the United States at Paris, of their repeal, was sufficient to justify the demand of the repeal of the orders in council of Great Britain, on her own principles. But it was never the intention of this government to concede to France any thing on that subject, to which she was not fairly entitled. On the contrary, it has been its intention, as is sufficiently evident by your first instructions, to exact from her a most strict and rigorous compliance with her pledge, in regard to the repeal. If any act in violation of that pledge has been committed, you will not fail to point it out, in the most distinct manner, to the French government, and to communicate to this department, without delay, any answer which you may receive from it. I have to add, admitting that the repeal of the decrees is observed with perfect good faith, that if the French government has given other orders, or permits acts of another character, which violate our rights, the wrong will not be less sensibly felt or less resented by this government.

Your despatches by the *Hornet* were received on the 22d May. They are the last which have come to hand.

I have the honour, &c.

JAMES MONROE.

Joel Barlow, Esq. &c. &c.

*Mr. Monroe to Mr. Barlow. Department of State, July 14, 1812.*

SIR,—Your letters by the *Wasp* were received on the 13th instant.

I make this acknowledgment in the hope that it may reach Mr. Morton at Baltimore, and be conveyed with the letters and documents with which he is already charged for you.

The President has seen with great surprise and concern that the government of France had made no accommodation to the United States on any of the important and just grounds of complaint to which you had called its attention, according to your instructions, given at the time of your departure, and repeated in several communications since. It appears that the same oppressive restraints on our commerce were still in force; that the system of license was persevered in; that indemnity had not been made for spoliations, nor any pledge given to inspire confidence that any would be made. More recent wrongs, on the contrary, and of a very outrageous character, have been added to those with which you were acquainted when you left the United States. By documents forwarded to you in my letter of 21st March, you were informed of the waste of our commerce, made by a squadron from Nantz, in January last, which burnt many of our vessels trading to the peninsula. For these you were also instructed to demand redress.

It is hoped that the government of France, regarding with a prudent foresight, the probable course of events, will have some sensibility to its interest, if it has none to the claims of justice, on the part of this country.

On the French decree of the 28th of April, 1811, I shall forbear to make many observations which have already occurred, until all the circumstances connected with it are better understood. The President approves your effort to obtain a copy of that decree, as he does the communication of it afterwards to Mr. Russell.

I have the honour, &c. &c.

JAMES MONROE.

Joel Barlow, Esq. &c.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE  
HOUSE OF REPRESENTATIVES. JULY 12, 1813.

I TRANSMIT to the House of Representatives a report of the Secretary of State, containing the information requested by their resolution of the 21st of June last.

JAMES MADISON.

## REPORT.

THE Secretary of State, to whom was referred the resolution of the House of Representatives, of the 21st of June, requesting copies of a declaration and order in council of the British government of the 21st of April, 1812, has the honour to lay before the President, copies of these papers, together with a copy of the correspondence relating to them.

JAMES MONROE.

Department of State, July 12, 1813.

*Mr. Russell to Mr. Monroe. London, April 22, 1812.*

SIR,—I received late last evening a note from lord Castlereagh, of which the enclosed is a copy, together with the declaration to which it refers.

I hasten to communicate to you these important documents, as they appear to manifest definitively the determination of this government to persevere in its actual system, and to support, with every sort of pretext, the pretext of retaliation on which it was originally founded.

I have the honour to be, &c.

JONA. RUSSELL.

*Lord Castlereagh to Mr. Russell.*

THE undersigned, his majesty's principal secretary of state for foreign affairs, is commanded by his royal high-

ness the prince regent, to transmit to Mr. Russell, charge d'affaires of the government of the United States of America, the enclosed copy of a declaration, accompanying an order in council, which has been this day passed by his royal highness the prince regent in council.

The undersigned is commanded by the prince regent to request that Mr. Russell, in making this communication to his government, will represent this measure, as one conceived in the true spirit of conciliation, and with a due regard on the part of his royal highness to the honour and interests of the United States; and the undersigned ventures to express his confident hope that this decisive proof of the amicable sentiments which animate the councils of his royal highness towards America, may accelerate the return of amity and mutual confidence between the two states.

The undersigned avails himself of this opportunity to repeat to Mr. Russell the assurances of his high consideration.

CASTLEREAGH.

Foreign Office, April 21, 1812.

### DECLARATION.

THE government of France having, by an official report communicated by its minister of foreign affairs, to the conservative senate, on the 10th day of March last, removed all doubts as to the perseverance of that government in the assertion of principles, and in the maintenance of a system, not more hostile to the maritime rights and commercial interests of the British empire, than inconsistent with the rights and independence of neutral nations; and having thereby plainly developed the inordinate pretensions, which that system, as promulgated in the decrees of Berlin and Milan, was from the first designed to enforce, his royal highness the prince regent, acting in the name and on the behalf of his majesty, deems it proper, upon this formal and authentick republication of the principles of those decrees, thus publickly to declare his royal highness' determination still firmly to resist the introduction and establishment of this arbitrary code, which the

government of France openly avows its purpose to impose by force upon the world, as the law of nations.

From the time that the progressive injustice and violence of the French government made it impossible for his majesty any longer to restrain the exercise of the rights of war within their ordinary limits, without submitting to consequences not less ruinous to the commerce of his dominions, than derogatory to the rights of his crown, his majesty has endeavoured by a restricted and moderate use of those rights of retaliation, which the Berlin and Milan decrees necessarily called into action, to reconcile neutral states to those measures, which the conduct of the enemy had rendered unavoidable, and which his majesty has at all times professed his readiness to revoke, so soon as the decrees of the enemy, which gave occasion to them, should be formally and unconditionally repealed, and the commerce of neutral nations be restored to its accustomed course.

At a subsequent period of the war, his majesty, availing himself of the then situation of Europe, without abandoning the principle and object of the orders in council of November, 1807, was induced so to limit their operation, as materially to alleviate the restrictions thereby imposed upon neutral commerce. The order in council of April, 1809, was substituted in the room of those of November, 1807, and the retaliatory system of Great Britain acted no longer on every country in which the aggressive measures of the enemy were in force, but was confined in its operation to France, and to the countries upon which the French yoke was most strictly imposed, and which had become virtually a part of the dominions of France.

The United States of America remained, nevertheless, dissatisfied; and their dissatisfaction has been greatly increased by an artifice, too successfully employed on the part of the enemy, who has pretended that the decrees of Berlin and Milan were repealed, although the decree effecting such repeal has never been promulgated; although the notification of such pretended repeal distinctly described it to be dependent on conditions, in which the enemy knew Great Britain could never acquiesce; and although abundant evidence has since appeared of their subsequent execution.

But the enemy has at length laid aside all dissimulation; he now publicly and solemnly declares, not only that those decrees still continue in force, but that they shall be rigidly executed until Great Britain shall comply with additional conditions, equally extravagant; and he further announces the penalties of those decrees to be in full force against all nations which shall suffer their flag to be, as it is termed in this new code, "denationalized."

In addition to the disavowal of the blockade of May, 1806, and of the principles on which that blockade was established; and in addition to the repeal of the British orders in council, he demands an admission of the principles, that the goods of an enemy, carried under a neutral flag, shall be treated as neutral; that neutral property, under the flag of an enemy, shall be treated as hostile; that arms and warlike stores alone (to the exclusion of ship timber, and other articles of naval equipment) shall be regarded as contraband of war; and that no ports shall be considered as lawfully blockaded, except such as are invested and besieged, in the presumption of their being taken [*en prevention d'être pris,*] and into which a merchant ship cannot enter without danger.

By these and other demands the enemy in fact requires, that Great Britain, and all civilized nations shall renounce at his arbitrary pleasure, the ordinary and indisputable rights of maritime war; that Great Britain in particular, shall forego the advantages of her naval superiority, and allow the commercial property as well as the produce and manufactures of France and her confederates, to pass the ocean in security, whilst the subjects of Great Britain are to be in effect proscribed from all commercial intercourse with other nations; and the produce and manufactures of these realms are to be excluded from every country in the world, to which the arms or the influence of the enemy can extend.

Such are the demands to which the British government is summoned to submit; to the abandonment of its most ancient, essential, and undoubted maritime rights. Such is the code by which France hopes, under the cover of a neutral flag, to render her commerce unassailable by sea; whilst she proceeds to invade or to incorporate with her own dominions all states that hesitate to sacrifice their

national interests at her command, and, in abdication of their just rights, to adopt a code by which they are required to exclude, under the mask of municipal regulations, whatever is British from their dominions.

The pretext for these extravagant demands is, that some of these principles were adopted by voluntary compact in the treaty of Utrecht; as if a treaty once existing between two particular countries, founded on special and reciprocal considerations, binding only on the contracting parties, and which in the last treaty of peace between the same powers, had not been revived, were to be regarded as declaratory of the public law of nations.

It is needless for his royal highness, to demonstrate the injustice of such pretensions. He might otherwise appeal to the practice of France herself in this and in former wars, and to her own established codes of maritime law. It is sufficient that these new demands of the enemy form a wide departure from those conditions on which the alleged repeal of the French decrees was accepted by America; and upon which alone erroneously assuming that repeal to be complete, America has claimed a revocation of the British orders in council.

His royal highness, upon a review of all these circumstances, feels persuaded that so soon as this formal declaration by the government of France, of its unabated adherence to the principles and provisions of the Berlin and Milan decrees, shall be made known in America, the government of the United States, actuated not less by a sense of justice to Great Britain, than by what is due to its own dignity, will be disposed to recall those measures of hostile exclusion, which, under a misconception of the real views and conduct of the French government, America has exclusively applied to the commerce and ships of war of Great Britain.

To accelerate a result so advantageous to the true interests of both countries, and so conducive to the re-establishment of perfect friendship between them; and to give a decisive proof of his royal highness' disposition to perform the engagements of his majesty's government, by revoking the orders in council whenever the French decrees shall be actually and unconditionally repealed, his royal highness the prince regent, has been this day pleas-

ed, in the name and on the behalf of his majesty, and by and with the advice of his majesty's privy council, to order and declare :

“That if at any time hereafter, the Berlin and Milan decrees shall, by some authentick act of the French government publickly promulgated, be expressly and unconditionally repealed, then and from thenceforth the order in council of the 7th day of January, 1807, and the order in council of the 26th day of April, 1809, shall, without any further order, be, and the same hereby are declared from thenceforth to be wholly and absolutely revoked ; and further, that the full benefit of this order shall be extended to any ship or vessel captured subsequent to such authentick act of repeal of the French decrees, although antecedent to such repeal, such ship or vessel shall have commenced and shall be in the prosecution of a voyage, which, under the said orders in council, or one of them, would have subjected her to capture and condemnation ; and the claimant of any ship or cargo which shall be captured at any time subsequent to such authentick act of repeal by the French government, shall, without any further order or declaration on the part of his majesty's government on this subject, be at liberty to give in evidence in the high court of admiralty or any court of vice admiralty, before which such ship or vessel or its cargo shall be brought for adjudication, that such repeal by the French government had been by such authentick act promulgated prior to such capture ; and upon proof thereof the voyage shall be deemed and taken to have been as lawful as if the said orders in council had never been made ; saving, nevertheless, to the captors such protection and indemnity as they may be equitably entitled to, in the judgment of the said court, by reason of their ignorance or uncertainty as to the repeal of the French decrees, or of the recognition of such repeal by his majesty's government, at the time of such capture.

“His royal highness, however, deems it proper to declare, that, should the repeal of the French decrees, thus anticipated and provided for, afterwards prove to have been illusory on the part of the enemy ; and should the restrictions thereof be still practically enforced or revived by the enemy, Great Britain will be obliged, however re-

luciantly, after reasonable notice to neutral powers, to have recourse to such measures of retaliation as may then appear to be just and necessary."

Westminster, April 21, 1812.

*At the Court at Carlton House, the twenty-first of April, one thousand eight hundred and twelve, present, His Royal Highness, the Prince Regent in Council.*

WHEREAS, the government of France has, by an official report, communicated by its minister for foreign affairs to the conservative senate, on the tenth of March last, removed all doubts as to the perseverance of that government in the assertion of principles, and in the maintenance of a system, not more hostile to the maritime rights and commercial interests of the British empire, than inconsistent with the rights and independence of neutral nations, and has thereby plainly developed the inordinate pretensions which that system, as promulgated in the decrees of Berlin and Milan, was from the first designed to enforce :

And whereas, his majesty has invariably professed his readiness to revoke the orders in council, adopted thereupon, as soon as the said decrees of the enemy should be formally and unconditionally repealed, and the commerce of neutral nations restored to its accustomed course :

His royal highness the prince regent (anxious to give the most decisive proof of his royal highness' disposition to perform the engagements of his majesty's government) is pleased, in the name and on the behalf of his majesty, and by and with the advice of his majesty's privy council, to order and declare, and it is hereby ordered and declared, that if, at any time hereafter, the Berlin and Milan decrees shall, by some authentick act of the French government, publicly promulgated, be absolutely and unconditionally repealed, then, and from thenceforth, the order in council of the seventh day of January, one thousand eight hundred and seven, and the order in council of the twenty-sixth day of April, one thousand eight hundred and nine, shall, without any further order, be, and the same are hereby declared from thenceforth to be wholly and absolutely revoked : And farther, that the full benefit of

this order shall be extended to any ship or cargo captured subsequent to such authentick act of repeal of the French decrees, although antecedent to such repeal such ship or vessel shall have commenced and shall be in the prosecution of a voyage which, under the said orders in council, or one of them would have subjected her to capture and condemnation; and the claimant of any ship or cargo which shall be captured or brought to adjudication, on account of any alleged breach of either of the said orders in council, at any time subsequent to such authentick act of repeal by the French government, shall, without any further order or declaration on the part of his majesty's government on this subject, be at liberty to give in evidence, in the high court of admiralty, or any court of vice admiralty before which such ship or cargo shall be brought for adjudication, that such repeal by the French government had been, by such authentick act promulgated prior to such capture; and upon proof thereof, the voyage shall be deemed and taken to have been as lawful as if the said orders in council had never been made; saving, nevertheless, to the captors such protection and indemnity as they may be equitably entitled to in the judgment of the said court, by reason of their ignorance, or uncertainty as to the repeal of the French decrees, or of the recognition of such repeal by his majesty's government at the time of such capture.

His royal highness, however, deems it proper to declare, that, should the repeal of the French decrees, thus anticipated and provided for, prove afterwards to have been illusory on the part of the enemy; and should the restrictions thereof be still practically enforced, or revived by the enemy, Great Britain will be compelled, however reluctantly, after reasonable notice, to have recourse to such measures of retaliation as may then appear to be just and necessary.

And the right honourable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judge of the high court of admiralty, and the judges of the courts of vice admiralty, are to take the necessary measures herein as to them shall respectively appertain,

CHETWYND.

*Mr. Russell to Mr. Monroe. London, April 26, 1812.*

[See preceding vol. p. 482.]

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street, April 25, 1812.*

[See preceding vol. p. 483—9.]

*Extract of a Letter from Mr. Russell to Mr. Monroe. London, May, 1, 1812.*

“THE declaration and order in council of the 21st ult. not only mark with the utmost precision the line of policy which the present ministry means inflexibly to pursue towards the United States, but, confirm my conjectures in relation to the instructions lately sent to Mr. Foster by the Mackarel. I have learnt, from a respectable source, that lord Sidmouth has declared, in reference to his attempt for a modification of the orders, that these measures were all that he could obtain. I wonder much how his lordship can suppose that in them he has obtained any thing.

“I have not yet received any reply to my note to lord Castlereagh of the 25th ultimo.”

*Mr. Russell to Mr. Monroe. London, May 9, 1812.*

SIR,—I have the honour to hand you herewith a note from lord Castlereagh of the third of this month, acknowledging the receipt of that which I addressed to his lordship on the 25th ultimo.

I am, sir, &c. &c. &c.

JONA. RUSSELL.

THE undersigned, his majesty's principal secretary for foreign affairs, has the honour to acknowledge the receipt of Mr. Russell's note of the 25th ultimo, in reply to that of the undersigned, dated the 21st, transmitting the declaration published on that day by order of his royal high-

were the prince regent, acting in the name and on the behalf of his majesty.

The undersigned cannot but express his sincere regret that the measure in question should have failed to produce a more favourable impression on Mr. Russell's mind: As his majesty's minister in America has been fully instructed to explain to the American government the motives which have influenced his majesty's government upon this occasion, the undersigned is commanded by the prince regent to abstain at present from entering into a discussion of those arguments against the declaration, which Mr. Russell has deemed it expedient to bring forward in his note of the 25th.

The undersigned avails himself of this opportunity of renewing to Mr. Russell the assurances of his great consideration.

CASTLEREAGH.

Foreign Office, May 3, 1812.

BRITISH ORDER IN COUNCIL OF JUNE 23, 1812, WITH THE  
CORRESPONDENCE RELATING THERETO.

[These papers have heretofore been laid before Congress, but they are again submitted as they have a relation to the report now made.]

*Mr. Russell to Mr. Monroe.\* London, June 26, 1812.*

SIR,—I have the honour to transmit to you, enclosed, an order in council issued by this government, on the 23d of this month, and copies of two notes from lord Castlereagh of the same date, accompanying the communication of it to me, and also a copy of my note to him, of this day in reply.

I can but regret that in this document any reservation has been made of a power of restoring the orders of the 7th of January, 1807, and of the 26th of April, 1809, to their full effect, whenever it shall be judged expedient so to do, as such reservation manifests an intention to main-

[\* We republish the first letter, because it differs from, and contains much more, than that of the same date, published in p. 83.]

tain the principle on which they were founded, and in which I conceive the United States can never acquiesce.

Had this reservation not been made, the revocation of those orders would, perhaps, accompanied as it is, with the verbal explanations of Lord Castlereagh, alluded to in my note to him, have been considered to be as precise and complete as could reasonably, under every view of the subject, have been expected.

The reservation itself, although ungracious in appearance, will I trust, prove harmless in effect, and, I presume, this government will be long deterred by its experience, from carrying into practice a principle to which it appears to be determined so ostentatiously to adhere in the abstract.

I am, sir, &c.

JONA. RUSSELL.

*Lord Castlereagh to Mr. Russell. Foreign Office, June 23, 1812.*

[See page 86.]

*Lord Castlereagh to Mr. Russell. Foreign Office, June 23, 1812.*

[See page 86.]

*At the Court at Carlton House, the 23d of June, 1812; present, His Royal Highness the Prince Regent in Council.*

[See page 83.]

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street, June 26, 1812.*

[See page 87.]

*Mr. Russell to the Secretary of State. London, July 2 1812.*

[See page 88.]

*Lord Castlereagh to Mr. Russell. Foreign Office, June  
29, 1812.*

[See page 88.]

*Mr. Russell to Lord Castlereagh. 18, Bentinck Street, July  
1, 1812.*

[See page 88.]

Continued

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CON-  
GRESS. JULY 20, 1813.

THERE being sufficient ground to infer, that it is the purpose of the enemy to combine with the blockade of our ports, special licenses to neutral vessels or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains obstructed ; keeping in view also the insidious discrimination between different ports of the United States ; and as such a system, if not counteracted, will have the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to British regulation, in subserviency to British monopoly : I recommend to the consideration of Congress the expediency of an immediate and effectual prohibition of exports, limited to a convenient day in their next session, and removable in the mean time, in the event of a cessation of the blockade of our ports.

JAMES MADISON.

## SIR J. B. WARREN'S PROCLAMATION.

*By the Right Hon. Sir John Borlase Warren, Bart. K. B. Admiral of the Blue, and Commander in Chief of His Majesty's Ships and Vessels employed and to be employed on the American and West Indian Station, &c. &c.*

## PROCLAMATION.

WHEREAS his royal highness the prince regent hath caused his pleasure to be signified to the right honourable the lords commissioners of the admiralty, to direct that I should institute a strict and rigorous blockade of the Chesapeake, the Delaware, and the ports and harbours of New York, Charleston, Port Royal, Savannah, and the river Mississippi, in the United States of America, and to maintain and enforce the same, according to the usages of war in similar cases, and the ministers of neutral powers have been duly notified, agreeably to the orders of his royal highness, that the measures authorized by the law of nations, would be adopted and exercised with respect to all vessels which may attempt to violate said blockade:

And whereas, in obedience to his royal highness' commands, I did without delay, station a naval force off each of the before mentioned bays, rivers, ports, and harbours, sufficient to carry his royal highness' order for the blockade thereof into strict and rigorous effect; but finding that the enemy, by withdrawing his naval force from the port of New York, and establishing at the port of New London, a naval station, to cover the trade to, and from the port of New York, thereby endeavouring to prevent, as far as in his power, the execution of his royal highness' said orders; and also finding, that the enemy has, through the medium of inland carriage, established a commercial intercourse between the said blockaded ports and the rivers, harbours, creeks, bays, and outlets contiguous thereto, whereby the full effect of the said blockade has been to a certain degree prevented; in order to put a stop to the same,

I do, by virtue of the power and authority to me given, and in obedience to the orders I have received, declare,

that not only the ports (heretofore proclaimed) are still continued in a state of rigorous blockade, but that I have also ordered all that part of Long Island Sound, being the sea-coast lying within Montaug Point, or the eastern point of Long Island, and the point of land opposite thereto, commonly called Black Point, situate on the sea-coast of the main land, together with all the ports, harbours, creeks, and entrances of the east and north rivers of New York, as well as all the other ports, creeks and bays, along the sea-coast of Long Island, and the state of New York, and all the ports, harbours, rivers and creeks, lying and being on the sea-coasts of the states of East and West Jersey, Pennsylvania, the lower counties on the Delaware, Maryland, Virginia, North and South Carolina, Georgia, and all the entrances from the sea into the said river of Mississippi, to be strictly and rigorously blockaded: And I do therefore, by virtue of the power and authority in me vested, declare the whole of the said harbours, bays, rivers, creeks, and sea-coasts of the said several states to be in a state of strict and rigorous blockade.

And I do further declare, that I have stationed on the sea-coast, bays, rivers, and harbours of the said several states, a naval force, adequate and sufficient, to enforce, and maintain the blockade thereof, in the most strict and rigorous manner. And I do hereby require the respective flag officers, captains, commanders, and commanding officers of his majesty's ships and vessels, employed and to be employed, on the American and West Indian station, and all others whom it may concern, to pay the strictest regard and attention to the execution of the said orders of his royal highness the prince regent, and also to the execution of this order. And I do caution and forbid, the ships or vessels of all, and every nation in peace and amity with the crown of Great Britain, from entering or attempting to enter, or from coming out, or attempting to come out, of any of the ports, harbours, bays, rivers, or creeks before mentioned, under any pretence whatsoever; and that no person hereafter may plead ignorance of the measures which his majesty has been reluctantly compelled to adopt, in order to force his enemy to put an end to a war, on their

past unjustly declared against his majesty, and all his subjects, I have caused this proclamation to be published.  
Given under my hand, at Halifax, the 18th day of November, 1813.

JOHN BORLASE WARREN,

Admiral of the Blue, and Commander in Chief, &c. &c. &c.

To the Flag Officers, Captains, &c.

By Command of the Admiral

GEO. R. HULBERT,

Secretary.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO BOTH  
HOUSES OF CONGRESS. DEC. 7, 1813.

Fellow citizens of the Senate,  
and of the House of Representatives,

In meeting you at the present interesting conjuncture, it would have been highly satisfactory if I could have communicated a favourable result to the mission charged with negotiations for restoring peace. It was a just expectation from the respect due to the distinguished sovereign who had invited them by his offer of mediation, from the readiness with which the invitation was accepted on the part of the United States, and from the pledge to be found in an act of their legislature, for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not to submit rights or pretensions on either side to the decision of an umpire, but to afford merely an opportunity, honourable and desirable to both, for discussing, and if possible, adjusting them for the interest of both.

The British cabinet, either mistaking our desire of peace for a dread of British power, or misled by other

fallacious calculations, has disappointed this reasonable anticipation. No communications from our envoys having reached us, no information on the subject has been received from that source. But it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British councils has taken place, or is to be expected.

Under such circumstances, a nation proud of its rights, and conscious of its strength, has no choice but an exertion of the one in support of the other.

To this determination, the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms, both on the land and on the water.

Whilst proofs have been continued of the enterprise and skill of our cruisers, publick and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander; the great inland waters, on which the enemy were also to be encountered, have presented achievements of our naval arms, as brilliant in their character as they have been important in their consequences.

On lake Erie, the squadron under command of captain Perry, having met the British squadron, of superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country; and will fill an early page in its naval annals, with a victory never surpassed in lustre, however much it may have been in magnitude.

On lake Ontario, the caution of the British commander, favoured by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendancy on that important theatre; and to prove, by the manner in which he effected every thing possible, that opportunities only were wanted, for a more shining display of his own talents, and the gallantry of those under his command.

The success on lake Erie having opened a passage to the territory of the enemy, the officer commanding the north western army transferred the war thither ; and rapidly pursuing the hostile troops fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British, and dispersion of the savage force.

This result is signally honourable to major general Harrison, by whose military talents it was prepared ; to colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy ; and to the spirit of the volunteer militia, equally brave and patriotick, who bore an interesting part in the scene ; more especially to the chief magistrate of Kentucky at the head of them, whose heroism, signalized in the war which established the independence of his country, sought, at an advanced age, a share in hardships and battles, for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign power ; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned ; and to relieve an extensive region of country from a merciless warfare which desolated its frontiers, and imposed on its citizens the most harassing services.

In consequence of our naval superiority on lake Ontario, and the opportunity afforded by it for concentrating our forces by water, operations, which had been provisionally planned, were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced, in the first instance, by adverse weather of unusual violence and continuance, and such the circumstances attending the final movements of the army, that the prospect, at one time so favourable, was not realized.

The cruelty of the enemy, in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities, has not been confined to any one quarter. Wherever they could be turned against us, no exertions to effect it have been spared. On our south

western border, the Creek tribes, who, yielding to our persevering endeavours, were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism recently propagated among them.

It was necessary to crush such a war before it could spread among the contiguous tribes, and before it could favour enterprises of the enemy into that vicinity. With this view a force was called into the service of the United States from the states of Georgia and Tennessee, which, with the nearest regular troops, and other corps from the Mississippi territory, might not only chastise the savages into present peace, but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused ; and the best hopes of a satisfactory issue are authorized by the complete success with which a well planned enterprise was executed against a body of hostile savages, by a detachment of the volunteer militia of Tennessee, under the gallant command of general Coffee ; and by a still more important victory over a larger body of them, gained under the immediate command of major general Jackson, an officer equally distinguished for his patriotism and his military talents.

The systematick perseverance of the enemy in courting the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed towards the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been forced upon us. But, in yielding to it, the retaliation has been mitigated as much as possible, both in its extent and in its character ; stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle, chiefly to the number of their savage associates, and who have not controlled them either from their usual practice of indiscriminate massacre on defenceless inhabitants, or from scenes of carnage without a parallel, on prisoners to the British arms, guarded by all the laws

of humanity and of honourable war. For these atrocities, the enemy are equally responsible, whether with the power to prevent them they want the will, or with the knowledge of a want of power they still avail themselves of such instruments.

In other respects the enemy are pursuing a course which threatens consequences most afflicting to humanity.

A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are, in war, employed by her government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war, compel citizens of the United States, being there under certain circumstances, to bear arms; whilst of the native emigrants from the United States, who compose much of the population of the province, a number have actually borne arms against the United States within their limits; some of whom, after having done so, have become prisoners of war, and are now in our possession. The British commander in that province, nevertheless, with the sanction, as appears, of his government, thought proper to select from American prisoners of war, and send to Great Britain for trial, as criminals, a number of individuals who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society, in the modes recognised by the law and the practice of Great Britain, and who were made prisoners of war under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain, would have led her government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with

the American sufferers, would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and of humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, with formal notice, that in the event of a retaliation for the death which might be inflicted on the prisoners of war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified at the same time, that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of our adherence to the retaliatory resort imposed on us, a correspondent number of British officers, prisoners of war in our hands, were immediately put into close confinement, to abide the fate of those confined by the enemy; and the British government has been apprized of the determination of this government, to retaliate any other proceedings against us contrary to the legitimate modes of warfare.

It is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest, as it is honourable to them, that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French government on the subjects which have been so long committed to negotiation, have received no elucidation since the close of your late session. The minister plenipotentiary of the United States at Paris had not been enabled, by proper opportunities, to press the objects of his mission, as prescribed by his instructions.

The militia being always to be regarded as the great bulwark of defence and security for free states, and the constitution having wisely committed to the national authority the use of that force, as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a

revision of the militia laws for the purpose of securing, more effectually, the services of all detachments called into the employment and placed under the government of the United States.

It will deserve the consideration of Congress also, whether, among other improvements in the militia laws, justice does not require a regulation, under due precautions, for defraying the expense incident to the first assembling as well as the subsequent movements of detachments called into the national service.

To give to our vessels of war, publick and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly powers. With this view, I recommend to Congress the expediency of such legal provisions as may supply the defects, or remove the doubts, of the executive authority to allow to the cruisers of other powers, at war with enemies of the United States, such use of the American ports as may correspond with the privileges allowed by such powers to American cruisers.

During the year ending on the 30th September last, the receipts into the treasury have exceeded thirty-seven millions and a half of dollars, of which near twenty-four millions were the produce of loans. After meeting all the demands for the publick service, there remained in the treasury on that day near seven millions of dollars. Under the authority contained in the act of the 2d of August last, for borrowing seven millions and a half of dollars, that sum has been obtained on terms more favourable to the United States than those of the preceding loan made during the present year. Further sums to a considerable amount will be necessary to be obtained in the same way during the ensuing year; and from the increased capital of the country, from the fidelity with which the publick engagements have been kept, and the publick credit maintained, it may be expected on good grounds that the necessary pecuniary supplies will not be wanting.

The expenses of the current year, from the multiplied operations falling within it, have necessarily been extensive. But on a just estimate of the campaign, in which the mass of them has been incurred, the cost will not be found disproportionate to the advantages which have been gain-

ed. The campaign has indeed, in its latter stages in one quarter, been less favourable than was expected; but in addition to the importance of our naval success, the progress of the campaign has been filled with incidents highly honourable to the American arms.

The attacks of the enemy on Craney island, on fort Meigs, on Sackett's harbour, and on Sandusky, have been, vigorously and successfully repulsed; nor have they in any case succeeded on either frontier, excepting when directed against the peaceable dwellings of individuals, or villages unprepared or undefended.

On the other hand the movements of the American army have been followed by the reduction of York, and of forts George, Erie, and Malden; by the recovery of Detroit and the extinction of the Indian war in the west; and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honour on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the south, over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

It would be improper to close this communication without expressing a thankfulness, in which all ought to unite, for the numerous blessings with which our beloved country continues to be favoured; for the abundance which overspreads our land, and the prevailing health of its inhabitants; for the preservation of our internal tranquillity, and the stability of our free institutions; and above all for the light of divine truth, and the protection of every man's conscience in the enjoyment of it. And although among our blessings we cannot number an exemption from the evils of war; yet these will never be regarded as the greatest of evils, by the friends of liberty and of the rights of nations. Our country has before preferred them to the degraded condition which was the alternative, when the sword was drawn in the cause which gave birth to our national independence; and none who contemplate the magnitude, and feel the value of that glorious event, will shrink from a struggle to maintain the

high and happy ground on which it placed the American people.

With all good citizens, the justice and necessity of resisting wrongs and usurpations no longer to be borne, will sufficiently outweigh the privations and sacrifices inseparable from a state of war. But it is a reflection, moreover, peculiarly consoling, that whilst wars are generally aggravated by their baneful effects on the internal improvements and permanent prosperity of the nations engaged in them, such is the favoured situation of the United States, that the calamities of the contest into which they have been compelled to enter, are mitigated by improvements and advantages of which the contest itself is the source.

If the war has increased the interruptions of our commerce, it has at the same time cherished and multiplied our manufactures, so as to make us independent of all other countries for the more essential branches, for which we ought to be dependent on none; and is even rapidly giving them an extent which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value, and necessary to our permanent safety.

If the war has exposed us to increased spoliation on the ocean, and to predatory incursions on the land, it has developed the national means of retaliating the former, and of providing protection against the latter; demonstrating to all, that every blow aimed at our maritime independence is an impulse accelerating the growth of our maritime power.

By diffusing through the mass of the nation the elements of military discipline and instruction, by augmenting and distributing warlike preparations, applicable to future use, by evincing the zeal and valour with which they will be employed, and the cheerfulness with which every necessary burden will be borne; a greater respect for our rights and a longer duration of our future peace, are promised, than could be expected without these proofs of the national character and resources.

The war has proved, moreover, that our free government, like other free governments, though slow in its

early movements, acquires in its progress a force proportioned to its freedom; and that the union of these States, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test.

In fine, the war, with all its vicissitudes, is illustrating the capacity and the destiny of the United States to be a great, a flourishing, and a powerful nation; worthy of the friendship which it is disposed to cultivate with all others; and authorized, by its own example, to require from all an observance of the laws of justice and reciprocity. Beyond these their claims have never extended; and in contending for these, we behold a subject for our congratulations, in the daily testimonies of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of heaven on so righteous a cause.

JAMES MADISON.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. DEC. 9, 1813.

THE tendency of our commercial and navigation laws in their present state, to favour the enemy, and thereby prolong the war, is more and more developed by experience. Supplies of the most essential kinds find their way, not only to British ports and British armies at a distance, but the armies in our neighbourhood, with which our own are contending, derive from our ports and outlets, a subsistence attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters, are, by like supplies, accommodated and encouraged in their predatory and incursive warfare.

Abuses having a like tendency take place in our import trade. British fabricks and products find their way into our ports, under the name and from the ports of other

countries, and often in British vessels, disguised as neutrals by false colours and papers.

To these abuses it may be added, that illegal importations are openly made, with advantage to the violators of the law, produced by under valuations, or other circumstances involved in the course of the judicial proceedings against them.

It is found also, that the practice of ransoming is a cover for collusive captures, and a channel for intelligence advantageous to the enemy.

To remedy as much as possible these evils, I recommend :

That an effectual embargo on exports be immediately enacted :

That all articles, known to be derived, either not at all, or in an immaterial degree only, from the productions of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place, or in whatever vessels the same may be brought into the United States ; and that all violations of the non-importation act be subjected to adequate penalties :

That among the proofs of the neutral and national character of foreign vessels, it be required that the masters and supercargoes, and three-fourths at least of the crews, be citizens or subjects of the country under whose flag the vessels sail :

That all persons concerned in collusive captures by the enemy, or in ransoming vessels or their cargoes from the enemy, be subjected to adequate penalties.

To shorten as much as possible the duration of the war, it is indispensable that the enemy should feel all the pressure that can be given to it, and the restraints having that tendency will be borne with the greater cheerfulness by all good citizens, as the restraints will affect those most, who are most ready to sacrifice the interests of their country in pursuit of their own.

JAMES MADISON.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JAN. 6, 1814.

I TRANSMIT for the information of Congress copies of a letter from the British secretary of state for foreign affairs to the Secretary of State, with the answer of the latter.

In appreciating the accepted proposal of the government of Great Britain for instituting negotiations for peace, Congress will not fail to keep in mind that vigorous preparations for carrying on the war can in no respect impede the progress to a favourable result, whilst a relaxation of such preparations, should the wishes of the United States for a speedy restoration of the blessings of peace be disappointed, would necessarily have the most injurious consequences.

JAMES MADISON.

*Lord Castlereagh to the Secretary of State. Foreign Office, Nov. 4, 1813.*

SIR,—I have the honour to enclose to you for the information of the President of the United States, a copy of a note which his Britannick majesty's ambassador at the court of St. Petersburg was directed to present to the Russian government, as soon as his royal highness, the prince regent was informed that plenipotentiaries had been nominated on the part of the American government for the purpose of negotiating for peace with Great Britain under the mediation of his imperial majesty.

His lordship having by the last courier from the imperial head quarters acquainted me that the American commissioners now at St. Petersburg have intimated, in reply to this overture, that they had no objection to a negotiation at London, and were equally desirous, as the British government had declared itself to be, that this business should not be mixed with the affairs of the continent of Europe, but that their powers were limited to negotiate under the mediation of Russia.

Under these circumstances, and in order to avoid an unnecessary continuance of the calamities of war, the prince regent commands me to transmit, by a flag of truce, to the American port nearest to the seat of government, the official note above mentioned, in order that the President, if he should feel disposed to enter upon a direct negotiation for the restoration of peace between the two states, may give his directions accordingly.

In making this communication, I can assure you that the British government is willing to enter into discussion with the government of America for the conciliatory adjustment of the differences subsisting between the two states, with an earnest desire on their part to bring them to a favourable issue, upon principles of perfect reciprocity not inconsistent with the established maxims of public law, and with the maritime rights of the British empire.

The admiral commanding the British squadron on the American station will be directed to give the necessary protection to any persons proceeding to Europe, on the part of the government of the United States, in furtherance of this overture; or should the American government have occasion to forward orders to their commission at St. Petersburg, to give the requisite facilities, by cartel or otherwise, to the transmission of the same.

I have the honour to be, &c.

CASTLEREAGH.

[ENCLOSURE ALLUDED TO ABOVE.]

*Translation of a Note from Lord Cathcart to the Count de Nesselrode. Toplitz, September 1, 1813.*

THE undersigned ambassador of his Britannick majesty to the emperor of all the Russias, desiring to avail himself of the first occasion to renew the subject respecting America, which was brought into discussion in a conference at the moment of departure from Reichenbach, has the honour to address this note to his excellency the count de Nesselrode.

Although the prince regent, for reasons which have been already made known, has not found himself in a situation

to accept the mediation of his imperial majesty, for terminating the discussions with the United States of America, his royal highness desires, nevertheless, to give effect to the beneficent wishes which his imperial majesty has expressed of seeing the war between Great Britain and America soon terminated, to the mutual satisfaction of the two governments.

With this view, his royal highness having learned that the envoys plenipotentiary of the United States for negotiating a peace with Great Britain, under the mediation of his imperial majesty, have arrived in Russia, notwithstanding that he finds himself under the necessity of not accepting the interposition of any friendly power in the question which forms the principal object in dispute between the two states, he is nevertheless ready to nominate plenipotentiaries to treat directly with the American plenipotentiaries.

His royal highness sincerely wishes that the conferences of these plenipotentiaries may result in re-establishing, between the two nations, the blessings and the reciprocal advantages of peace.

If, through the good offices of his imperial majesty, this proposition should be accepted, the prince regent would prefer that the conferences should be held at London, on account of the facilities which it would give to the discussions.

But if this choice should meet with insuperable obstacles, his royal highness would consent to substitute Gottenburg as the place nearest to England.

The undersigned, &c.

CATHCART.

*The Secretary of State to Lord Castlereagh. Department of State, January, 1814.*

MY LORD,—I have had the honour to receive by a flag of truce your lordship's letter of the 4th of November last, and a copy of a note which his Britannick majesty's ambassador at the court of St. Petersburg presented to the Russian government on the first of September preceding.

By this communication it appears that his royal highness the prince regent rejected the mediation offered by his imperial majesty to promote peace between the United States and Great Britain, but proposed to treat directly with the United States at Gottenburg or London, and that he had requested the interposition of the good offices of the emperor in favour of such an arrangement.

Having laid your lordship's communication before the President, I am instructed to state, for the information of his royal highness the prince regent, that the President has seen with regret this new obstacle to the commencement of a negotiation for the accommodation of differences between the United States and Great Britain. As the emperor of Russia was distinguished for his rectitude and impartiality, and was moreover engaged in a war, as an ally of England, whereby it was his interest to promote peace between the United States and Great Britain, the President could not doubt that his royal highness the prince regent would accept the mediation, which his imperial majesty had offered to them. It was the confidence with which the high character of the emperor inspired the President, that induced him, disregarding considerations, which a more cautious policy might have suggested, to accept the overture with promptitude, and to send ministers to St. Petersburg, to take advantage of it. It would have been very satisfactory to the President, if his royal highness the prince regent had found it compatible with the views of Great Britain, to adopt a similar measure, as much delay might have been avoided, in accomplishing an object, which, it is admitted, is of high importance to both nations.

The course proposed as a substitute for negotiation at St. Petersburg, under the auspices of the emperor of Russia, could not, I must remark to your lordship, have been required for the purpose of keeping the United States unconnected against Great Britain, with any affairs of the continent. There was nothing in the proposed mediation tending to such a result. The terms of the overture indicated the contrary. In offering to bring the parties together, not as an umpire, but as a common friend, to discuss and settle their differences and respective claims, in a manner satisfactory to themselves, his imperial majes-

ty showed the interest which he took in the welfare of both parties.

Wherever the United States may treat, they will treat with the sincere desire they have repeatedly manifested, of terminating the present contest with Great Britain on conditions of reciprocity consistent with the rights of both parties, as sovereign and independent nations, and calculated not only to establish present harmony, but to provide, as far as possible, against future collisions which might interrupt it.

Before giving an answer to the proposition communicated by your lordship, to treat with the United States independently of the Russian mediation, it would have been agreeable to the President to have heard from the plenipotentiaries of the United States sent to St. Petersburg. The offer of a mediation by one power, and the acceptance of it by another, forms a relation between them, the delicacy of which cannot but be felt. From the known character however of the emperor, and the benevolent views with which his mediation was offered, the President cannot doubt that he will see with satisfaction a concurrence of the United States in an alternative, which, under existing circumstances, affords the best prospect of obtaining speedily what was the object of his interposition. I am accordingly instructed to make known to your lordship, for the information of his royal highness the prince regent, that the President accedes to his proposition, and will take the measures depending on him for carrying it into effect at Gottenburg, with as little delay as possible; it being presumed, that his majesty the king of Sweden, as the friend of both parties, will readily acquiesce in the choice of a place for their pacifick negotiations, within his dominions.

The President is duly sensible of the attention of his royal highness the prince regent, in giving the orders to the admiral commanding the British squadron on this coast, which your lordship has communicated.

I have the honour to be, &c.

JAMES MONROE.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE  
HOUSE OF REPRESENTATIVES. JAN. 18, 1814.

I TRANSMIT to the House of Representatives a report of the Secretary of State, complying with their resolution of the 13th instant.

JAMES MADISON.

## REPORT.

THE Secretary of State, to whom was referred the resolution of the House of Representatives, of the 13th inst. requesting the President to lay before the House such documents relative to the Russian mediation, as in his opinion it may not be improper to communicate, has the honour to transmit to the President, for the information of the House, the following letters in relation to that subject, viz :

A letter in French (with a translation) from Mr. Daschkoff, envoy extraordinary and minister plenipotentiary of his majesty the emperor of Russia, to the Secretary of State, of the 8th March, 1813, with the answer of the Secretary of State of the 11th March.

An extract of a letter from the Secretary of State to Mr. Adams, minister of the United States at St. Petersburg, of the 1st July, 1812, and four letters and extracts from Mr. Adams to the Secretary of State, bearing date respectively on the 30th Sept. 17th Oct. and 11th Dec. 1812, and on the 26th June, 1813.

All which is respectfully submitted.

JAMES MONROE.

Department of State, Jan. 18, 1814.

## TRANSLATION.

*Mr. De Daschkoff, Envoy Extraordinary and Minister Plenipotentiary of His Imperial Majesty the Emperor of all the Russias, to the Secretary of State of the United States.*

The undersigned, envoy extraordinary and minister plenipotentiary of his majesty the emperor of all the Russias, has the honour to make known to the Secretary of State of the United States of America, that he has just received orders from the emperor his master, to make the following overture to his excellency the President of the United States.

The peace of Russia with England seemed to present this immense advantage to the commerce of nearly all sea faring people, that it freed their relations from that constraint, from that continual vexation to which it had been subjected for many years without intermission. The emperor viewed with pleasure a result so conformable to all his wishes, and which appeared as not being at all doubtful. It became so, however, by the war between England and America.

The undersigned is directed to express to the President of the United States the regret with which his imperial majesty foresees the great shackles which this new episode is about to oppose to the commercial prosperity of nations. The love of humanity and what he owes to his subjects, whose commerce has already sufficiently suffered, command him to do every thing in his power to remove the evils which this war is preparing even for those nations who will not take part in it.

His majesty, who takes pleasure in doing justice to the wisdom of the government of the United States of America, is convinced that it has done all that it could do to prevent this rupture, but that treating of it directly would take away from the negotiation all semblance of impartiality. In a direct discussion, every thing would tend to excite the prejudices and the asperity of the parties. To obviate this inconvenience his majesty the emperor, gratified at being able to give a proof of his friendship alike for his majesty the king of Great Britain and the United

States of America, wished to offer to them his mediation, and charged the undersigned to propose it to the President of the United States.

The undersigned having the honour to communicate to the Secretary of State the sentiments and the wishes of his imperial majesty, begs him to make them known to the President of the United States. The emperor would feel great satisfaction if a like disposition on the part of the government of the United States should have the effect of stopping the progress of this new war, and of extinguishing it in its origin. From the satisfactory assurances which the President of the United States has constantly given to the undersigned of the sentiments of regard and friendship on the part of the United States, and of his excellency for Russia, and particularly for the august person of his majesty, he cannot but flatter himself that he will receive an answer which shall correspond with the generous wishes of the emperor his master.

The undersigned cannot refrain from expressing on this occasion, to the Secretary of State, his individual wishes for whatever may have a tendency to re-establish active relations between Russia and the United States, and to advance the prosperity of the Republic.

He seizes with eagerness this occasion to renew to the Secretary of State the assurance of his highest consideration and respect.

ANDRE DE DASCHKOFF,

Washington, 24th Feb. (March 8) 1813.

*The Secretary of State to Mr. Daschkoff. Department of State, March 11, 1813.*

SIR,—I have had the honour to receive your note of the 8th inst. making known to the President of the United States the disposition of his majesty the emperor of Russia, to promote peace, by his friendly mediation, between the United States and Great Britain.

I am instructed by the President to assure you, that he sees in this overture, on the part of your sovereign, strong proofs of that humane and enlightened policy, which have characterized his reign. It was impossible that a war

between the United States and Great Britain should not materially affect the commerce of Russia, and it was worthy the high character of a prince, distinguished by his attachment to the interests of his people, to interpose his good offices for the restoration of peace. The President sees, at the same time, in this overture, and in the circumstances attending it, a strong proof of the friendly interest which his imperial majesty takes in the welfare of the United States.

The United States, conscious that they were not the aggressors in this contest; that on the contrary, they had borne great wrongs for a series of years, before they appealed to arms in defence of their rights, are willing and ready to lay them down as soon as Great Britain ceases to violate those rights.

The President is aware that many of the inconveniences resulting from a direct communication between the parties themselves may be avoided, by the mediation of a third power, especially one entitled to, and possessing the entire confidence of both the belligerents. To the claim of Russia to that distinguished consideration, the President does not hesitate to express on the part of the United States his full acknowledgment. He recollects with much satisfaction that during a period of great and general contention, the relations of friendship have always subsisted between the United States and Russia; and he finds in the personal qualities, and high character of the emperor Alexander, a sacred pledge for the justice and impartiality which may be expected from his interposition.

Influenced by these sentiments, the President instructs me to inform you, that he willingly accepts the mediation of your sovereign to promote peace between the United States and Great Britain. I am instructed also to state, that such arrangements will be made, without delay, as will afford to his imperial majesty the opportunity he has invited, to interpose his good offices for the accomplishment of so important an event. Of these arrangements I shall have the honour to advise you in an early communication.

I have the honour to be, &c.

JAMES MONROE.

*Extract of a Letter from the Secretary of State to John Quincy Adams, Esq. Minister Plenipotentiary of the United States at St. Petersburg. Department of State, July 1, 1812.*

SIR,—“ On the 18th ultimo a declaration of war against Great Britain passed Congress; of which, of the President's message, and report of the committee of foreign relations of the House of Representatives leading to it, I have the honour to transmit to you copies.

“ You are too well acquainted with the causes which produced this result to require any explanation of them. As it appeared that Great Britain would not revoke her orders in council, on the just grounds on which it was claimed, but enlarged the conditions on which she professed her willingness to revoke them, there remained no honourable course for the United States to pursue short of war. On full consideration of all circumstances, this measure was adopted, and the government is resolved to pursue it till its objects are accomplished, with the utmost decision and activity in its power.

“ In resorting to war against Great Britain, as the United States have done, by inevitable necessity, it is their desire and hope that it may be confined to her only.

“ It is seen with much regret that the emperor of Russia is likely to be reduced to the necessity of becoming a party to the war in Europe, if he has not already become so. Should that event take place, there is no reason why the war between the United States and Great Britain should affect, in the slightest degree, the very friendly relations which now exist between the United States and Russia. It is the sincere desire of this government to preserve, in their utmost extent, those relations with that power.

“ With France, our affairs in many important circumstances are still unsettled; nor is there any certainty that a satisfactory settlement of them will be obtained. Should it however be the case, it is not probable that it will produce any closer connexion between the United States and that power. It is not anticipated, that any event whatever will have that effect.”

*Extract of a Letter from Mr. Adams to the Secretary of State. St. Petersburg, Sept. 30, 1812.*

"On the 20th instant I received a note from the chancellor requesting me to call upon him the next evening, which I accordingly did; he told me that he had asked to see me by the emperor's command: that having made peace and established the relations of amity and commerce with Great Britain, the emperor was much concerned and disappointed to find the whole benefit which he expected his subjects would derive commercially from that event, defeated and lost by the new war which had arisen between the United States and England: that he had thought he perceived various indications that there was on both sides a reluctance at engaging in and prosecuting this war, and it had occurred to the emperor that perhaps an amicable arrangement of the differences between the parties might be accommodated more easily and speedily by indirect than by a direct negotiation: that his majesty had directed him to see me, and to inquire if I was aware of any difficulty or obstacle on the part of the government of the United States, if he should offer his mediation for the purpose of effecting a pacification. I answered that it was obviously impossible for me to speak on this subject any otherwise than from the general knowledge which I had of the sentiments of my government; that I was so far from knowing what their ideas were with regard to the continuance of the war, that I had not to that day received any official communication of its declaration; but that I well knew it was with reluctance they had engaged in the war; that I was very sure, whatever determination they might form upon the proposal of the emperor's mediation, they would receive and consider it as a new evidence of his majesty's regard and friendship for the United States, and that I was not aware of any obstacle or difficulty which could occasion them to decline accepting it.

"I knew the war would affect unfavourably the interest of Russia. I knew it must be highly injurious both to the United States and England. I could see no good result as likely to arise from it to any one. The count replied, that he had considered it altogether in the same light, and

so had the emperor, who was sincerely concerned at it, and who had himself conceived this idea of authorizing his mediation. He thought an indirect negotiation conducted here, aided by the conciliatory wishes of a friend to both parties, might smooth down difficulties which in direct discussion between the principals might be found insuperable. To a mutual friend, each party might exhibit all its claims, and all its complaints, without danger of exciting irritations or raising impediments. The part of Russia would only be to hear both sides, and to use her best endeavours to conciliate them. I observed that there was a third party to be consulted as to the proposal—the British government. The count answered, that it had already been suggested by him to the British ambassador, lord Cathcart, who had the day before despatched it by a messenger to his court. Some question occurred concerning the mode of enabling me to transmit this communication to the United States, upon which the count promised to see me again in the course of a few days. He said that he should write to Mr. Daschkoff, and instruct him to make the proposition to the government of the United States.”

*Mr. Adams to the Secretary of State. St. Petersburg, October 17, 1812.*

SIR,—I received a few days since a letter from Mr. Russell, dated at London, the 9th of September, and informing me that his mission there had closed, that he had received his passports, and that in three days from that time he should leave the city to embark at Plymouth for the United States. He adds that the British government had rejected a proposition which he had been authorized to make for a suspension of hostilities.

The evening before last I had another interview with the chancellor count Romanzoff, at his request. There had been rumours in circulation here of an armistice in Canada, and of the appointment of commissioners by the President for a new negotiation with Great Britain. The count asked me if I had any authentick information of these circumstances. I said I had not, that my informa-

tion was altogether of a different aspect ; and I told him the substance of Mr. Russell's communication. He then observed that this incident would not discourage this government from making an offer of its mediation, which he had suggested to me in a former conference. On the contrary, the failure of every new attempt at direct negotiation confirmed him in the belief and hope that a mediation might be more successful ; a mediation of a common friend, not only desirous from the sentiment of friendship to see the parties reconciled to each other, but having also a strong interest of his own in their reconciliation.

The count said he had his despatches for Mr. Daschkoff ready, instructing him to make the proposition in form to the American government : and he asked me whether I could indicate to him a mode of transmitting them directly to the United States. In our former conversation (reported in my letter of the 30th ult.) I had offered to despatch one of the American vessels now at Cronstadt, if the British ambassador would furnish her a passport, or any document that would protect her from capture by British armed vessels. The count said he had made the proposal to the ambassador, who had expressed his readiness to give the document, *provided* the vessel and messenger should go by the way of England, a condition which the count said he had told the ambassador he could not ask me to agree to, and with which I did not think it in fact suitable to comply. There are, however, two American gentlemen here on the point of departure for the United States, and by them I shall transmit this despatch and its duplicate, together with those of the chancellor to Mr. Daschkoff.

I am, &c.

JOHN Q. ADAMS.

*Mr. Adams to the Secretary of State. St. Petersburg,  
Dec. 11, 1812.*

SIR,—On the 4th inst. I received the duplicate of your favour of 1st July last, announcing the declaration by the Congress of the United States of war against Great Britain, and enclosing printed copies of the President's proclama-

tion founded upon it, of his previous message recommending it, of the report of the committee of foreign relations proposing it, and of the National Intelligencer of the 20th June. The original of your letter with these documents not having yet come to hand, these gave me the first official communication of the war.

I had on the 7th inst. an interview with the chancellor count Romanzoff, in which I communicated to him the substance of that part of your despatch which related to Russia, and those which concern the state of our relations with France. In the present state of the war between this country and France, I was convinced that the view of the American government's intentions with regard to that power, so explicitly and so strongly manifested in your letter, would not only be gratifying to the chancellor, but that it would be satisfactory to the emperor, and would powerfully counteract any impressions unfavourable to the United States, which the English interest here is endeavouring to excite. I therefore told the count that although I had not been instructed to make to him any official communication of the declaration of war, the dispositions of the American government towards other powers, and particularly towards Russia, on this occasion, had been distinctly suggested to me, in a manner which I felt it my duty to make known to him. That the United States, compelled by unavoidable necessity to vindicate their violated rights against Great Britain by war, were desirous that it might be confined exclusively to them and their enemy, and that no other power might be involved in it. That it was particularly and earnestly their wish to preserve and maintain in their fullest extent their commercial and friendly relations with Russia. That the war in which the emperor is now engaged against France, although it could not be known by the President to have been actually commenced at the time when your despatch was written, was however contemplated as more than probable, and the necessity which obliged the emperor to take a part in it was mentioned to me as a cause of regret to the American government. But it was hoped it would not in the slightest degree affect the friendly dispositions between Russia and the United States. That I was informed by you that the principal subjects of discussion which had long been

subsisting between us and France, remained unsettled. That there was no immediate prospect that there would be a satisfactory settlement of them; but that whatever the event in this respect might be, it was not the intention of the government of the United States to enter into any more intimate connexions with France. This disposition I added was expressed in terms as strong and clear as I thought language could afford. It was even observed that the government of the United States did not anticipate any event whatever that could produce that effect, and I was the more happy to find myself authorized by my government to avow that intention, as different representations of their views had been widely circulated as well in Europe as in America.

The count received this communication with assurances of his own high satisfaction at its purport, and of his persuasion that it would prove equally satisfactory to the emperor, before whom he should lay it without delay. He said that with regard to the friendly and commercial relations with the United States, *it was the emperor's fixed determination to maintain them so far as depended upon him in their fullest extent.* He asked me if I had any objection to his communicating to the British government itself that part of my information to him which related to France. I said that, on the contrary, as the British government had in the course of our discussions with them frequently intimated the belief that the American government was partial to France, and even actuated by French influence, I supposed that the knowledge of this frank and explicit statement, with a due consideration of the time and occasion upon which it was made, must have a tendency to remove the prejudice of the British cabinet, and I would hope produce on their part a disposition more inclining to conciliation.

Yesterday the count sent a note requesting me to call upon him again, which I accordingly did. He showed me the draught of a despatch to the count Lieven the Russian ambassador in England, which he had prepared to lay before the emperor for his approbation, and which related the substance of my conversation with him, particularly in regard to the intentions of the American government with reference to France; instructing count Lieven to make

it known to lord Castlereagh, and to use it for the purpose of convincing the British government of the error in suspecting that of the United States of any subserviency to France, in the expectation that it would promote in the British ministry the disposition to peace with the United States, which he (count Lieven) knew his imperial majesty had much at heart, believing it equally for the interest of both powers and also for that of his own empire. The chancellor said that as this despatch would refer to what I had verbally stated to him in our preceding conversation, he wished before submitting to the emperor, that I should peruse it to satisfy himself that he had connectedly represented the purport of my communication to him, and he desired me, if I should find any inaccuracy or variation from what I had said to him, to point it out to him, that he might make the despatch perfectly correspond with what I had said. I did accordingly notice several particulars in which the exact purport of what I had said might be expressed with more precision. He immediately struck out the passages which I noticed in this manner from the draught and altered them to an exact conformity with the ideas I had intended to convey. The changes were inconsiderable, and were no otherwise material than as I was desirous of the utmost accuracy in the relation of what I had said under the authority of your despatch.

This communication of the *settled* determination of the American government not to contract any more intimate engagements with France, will thus be made to the British ministry with my full consent. The chancellor's despatch does not say that he was authorized by me to make it. It merely relates the substance of that part of my conversation with him, and directs count Lieven to use it with a view to promote the purpose of pacification.—The chancellor understands that my consent was merely my own act, without authority from you; my motive in giving it was the same with that of his instruction to count Lieven, because I believed its tendency would be to promote the spirit of pacification in the British cabinet. I told the chancellor I was aware that its effect *might* be different. That the very certainty that we should not seek or even accept a community of cause with their most dreaded enemy might make them more indifferent to a peace with

us. But, in calculating the operation of a generous purpose, even upon the mind of an inveterate enemy, I feel an irresistible impulse to the conclusion that it will be generous like itself. I asked the chancellor whether he had received an answer from England upon the proposal of the emperor's mediation. He said that, without accepting or rejecting it, they had intimated the belief that it would not be acceptable in America.

I am, &c.

JOHN Q. ADAMS.

*Extract of a Letter from Mr. Adams to the Secretary of State. St. Petersburg, June 26, 1813.*

"On the 15th instant I had an interview with the chancellor count Romanzoff, at his request, when he informed me that he had received answers from Mr. Daschkoff to the despatches of which Mr. Harris was the bearer. That the President had accepted the emperor's offer of mediation, and that Mr. Daschkoff had sent him a copy of your answer to him, expressive of that acceptance. He then put into my hands your letter to Mr. Daschkoff of March 11, with the tenour of which he appeared to be much gratified; and which he said he should immediately transmit to the emperor. At the same time English newspapers had been received here, mentioning the appointment of Messieurs Gallatin and Bayard, but intimating strongly the determination of the British government to reject the mediation. A few days after, I received from a friend the National Intelligencer of 15th April, containing an editorial paragraph concerning the appointment of those gentlemen, which I communicated to the count on the 22d. I observed to him, that however the British government might think proper to act on this occasion, that of the United States would at least have manifested, in a signal manner, at once its earnest and constant desire for a just and honourable peace, and its sense of the motives which had induced the emperor's offer. That the President could not have adopted a measure better adapted to do honour to his majesty's proposal, than by the appointment of two persons among the most distinguished of our citizens, to co-operate on the part of the United States,

in accomplishing the emperor's friendly and benevolent purpose; and that if it should eventually fail of being successful, at least the true and only source of its failure would be known. That he had received, since he saw me last, despatches from count Lieven. That the British minister, in terms of much politeness, had intimated to him; that there was no sovereign whose mediation they should more readily accept than that of the emperor, but that their differences with the United States were of a nature involving principles of the internal government of the British nation, and which it was thought were not susceptible of being committed to the discussion of any mediation. The count added, that it would remain to be considered, whether after this, and after the solemn step taken by the government of the United States, it would be advisable to renew the offer to the British ministry, and give them an opportunity for a reconsideration. It was possible that further reflection might lead to a different resolution, and he should submit the question to the emperor's determination. Different circumstances furnished other materials for deliberations."

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE HOUSE OF REPRESENTATIVES. JAN. 18, 1814.

I TRANSMIT to the House of Representatives a report of the Secretary of State, complying with their resolution of the eleventh instant.

JAMES MADISON.

## REPORT.

THE Secretary of State, to whom was referred the resolution of the House of Representatives of the 11th instant, requesting the President to communicate to the House any information in his possession, and which it may not

be improper to divulge, in relation to the omission or refusal of the French government to accredit the minister plenipotentiary sent by the United States to that court, or of his reception if accredited, of the time when he was so accredited, and of the progress of his negotiations, has the honour to communicate to the President, for the information of the House, the following letters in relation to that subject, viz,

A letter from Mr. Crawford to the Secretary of State of the 15th August, 1813, enclosing one to the duke of Bassano of the 27th July, and his answer of 1st August; and an extract of a letter from Mr. Crawford to the Secretary of State of the 9th of September, 1813.

Respectfully submitted,

JAMES MONROE.

Department of State, Jan. 18, 1814.

*Mr. Crawford to Mr. Monroe. Paris, Aug. 15, 1813.*

SIR,—On the 27th ult. I wrote to the duke of Bassano, to inform him of my arrival in Paris, in quality of minister plenipotentiary of the United States. On the 8<sup>th</sup> inst. I received an answer dated at Dresden on the 1st. Copies of my note and of his answer are herewith enclosed.

With sentiments of high respect, &c.

WM. H. CRAWFORD.

Hon. James Monroe, Secretary of State.

*Mr. Crawford to the Duke of Bassano. Paris, July 27, 1813.*

MY LORD,—I have the honour to inform your excellency that I have been appointed, by the President of the United States of America, minister plenipotentiary to the court of his imperial and royal majesty, the emperor of the French and king of Italy. I wait the pleasure of your excellency as to the time and manner of presenting my official credentials, preparatory to my reception by the government of his imperial and royal majesty, as the accredited minister plenipotentiary of the United States of America.

I seize on the present occasion to assure your excellency of the distinguished consideration with which I have the honour to be, &c.

WM. H. CRAWFORD.

His Excellency the Duke of Bassano.

*Translation of a Letter from the Duke of Bassano to Mr. Crawford. Dresden, August 1, 1813.*

SIR,—I have had great pleasure in hearing of your safe arrival in France, and I have received the letter which you did me the honour to address to me on the 27th of July, on your nomination in the quality of minister plenipotentiary of the United States to his imperial majesty the emperor of the French and king of Italy. The choice which your government has made of a person so distinguished in his own country, and so worthy of this honourable mission, cannot but be agreeable to his imperial majesty; and though he is at this time absent from Dresden, I can give you this assurance in his name. I will have the honour to communicate to you his intentions respecting the presentation of your letters of credence and your reception. Without waiting even for this, I will receive all the communications which you may think proper to make to me as the minister plenipotentiary of your government, and the delay of a formality will produce no delay in the exercise of the mission confided to you, or in the correspondence which it will procure for me the benefit of holding with you.

Accept, sir, the assurance of my high consideration.

DUKE OF BASSANO.

His Excellency Wm. H. Crawford, &c. &c.

*Extract of a Letter from Mr. Crawford to Mr. Monroe. Paris, September, 8, 1813.*

“I HAVE just received an answer to the note which I addressed to the duke of Bassano, requesting Mrs. Barlow's passports. On the subject of recognition he says that he is very solicitous I should present my letter of credence to the emperor in Paris. He does not repeat his invitation to communicate with him. The operations

of the war will probably detain the emperor in the north (until) the winter. It is believed that the duke of Bassano will not return before him. If this opinion should be realized, the winter will be far advanced before I shall be able to draw the attention of the French government to the subjects of discussion between the two nations."

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. JAN. 19, 1814.

I TRANSMIT to the House of Representatives a report of the Secretary of State, complying with their resolution of the 12th instant.

JAMES MADISON.

THE Secretary of State, to whom was referred a resolution of the House of Representatives of the 12th instant, requesting the President to lay before the House any correspondence with or communication in writing from the late minister of France, on or about the 14th June, 1809, or by his successor since, prescribing the conditions on which their sovereign would consent to treat of amity and commerce with the United States, &c. has the honour to make to the President the following report:

That of the transactions which took place in the department of state, before the Secretary of State came into office, which was in the year 1811, he has no means of acquiring a knowledge other than from the archives of the department, or from the persons entrusted with their safe keeping.

That he has caused the files of the department to be carefully examined for a communication described by the resolution of the House of Representatives, and that none such has been found of the date therein referred to or of any other date from the former minister of France,

or from his successor, or any third person, or instance of such a communication; that he has also inquired of the chief clerk of the department who has been in that office since the year 1807 concerning the same, and whose statement is annexed.

That no such communication was ever addressed to the Secretary of State by the present minister of France.

All which is respectfully submitted.

JAMES MONROE.

Department of State, Jan. 18, 1814.

#### MR. GRAHAM'S STATEMENT.

I know not how I can more clearly state every thing that I know relative to a letter which was recently published in some of the publick prints, from general Turreau to Robert Smith, Esq. and which I suppose to be the communication alluded to in the resolution of the House of Representatives of the 12th instant, than by observing that when that letter as published was shown to me by a gentleman of this office, I told him I could not say whether it was genuine; that some parts did not appear new to me, but that other parts of it did. We immediately looked at general Turreau's file, and no such letter was there. I then observed that if it was genuine, it must be the letter from general Turreau which had been withdrawn.

The fact of one of his letters which I had translated for Mr. Smith, having been withdrawn, I distinctly remember, though I cannot speak with certainty either of its date or of its contents, more than four years having elapsed since I saw it; but I remember it was considered exceptionable, and that Mr. Smith directed me not to put it on the files, but to lay it aside. I can add too that it was the only letter from general Turreau which to my knowledge was ever withdrawn.

This letter was withdrawn by a gentleman attached to the French legation, who called at the department of state to get it, and it was delivered to him either by Mr. Smith himself or by me under his directions. When this was done, I cannot now recollect, nor have I any means of ascertaining, except by reference to a subsequent event which happened in the month of November, 1809. I

allude to the dismissal of Mr. Jackson. For I remember in a conversation I had with Mr. Smith respecting that occurrence at the time it took place, he observed that he supposed general Turreau would now be glad he had withdrawn his letter.

In what way the translation of this letter has got into the publick prints, I know not, nor do I know when or by whom it was taken from this office.

JOHN GRAHAM,

Chief Clerk of the Department of State.

Department of State, 18th Jan. 1814.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. MARCH 31, 1814.

TAKING into view the mutual interest which the United States, and the foreign nations in amity with them, have in a liberal commercial intercourse, and the extensive changes favourable thereto, which have recently taken place; taking into view also the important advantages which may otherwise result from adapting the state of our commercial laws to the circumstances now existing :

I recommend to the consideration of Congress the expediency of authorizing, after a certain day, exportations, specie excepted, from the United States, in vessels of the United States, and in vessels owned and navigated by the subjects of powers at peace with them; and a repeal of so much of our laws as prohibits the importation of articles, not the property of enemies, but produced or manufactured only within their dominions.

I recommend also, as a more effectual safeguard and encouragement to our growing manufactures, that the additional duties on imports, which are to expire at the end of one year after a peace with Great Britain, be prolonged to the end of two years after that event; and that, in favour of our moneyed institutions, the exportation of specie be prohibited throughout the same period.

JAMES MADISON.

## REPORT.

THE committee of foreign relations to whom was referred the message of the President, of the 31st of March, submits to the House the following report :

TAKING into consideration the great importance of the measures recommended, the committee think it a duty which they owe to the House and to the nation, to state the grounds on which their report is founded ; uniting with the Executive in the policy of those measures, they wish to explain the reasons which have produced that union.

Of the past it is unnecessary to take a review : the attention of the committee is drawn with more solicitude to the future.

Previous to the late changes in Europe the bearing of our restrictive measures was, for the most part, confined to our enemies ; the obstructions to our commercial intercourse with the friendly powers of the world being in a manner insuperable.

At present a prospect exists of an extended commercial intercourse with them, highly important to both parties, and which, it may be presumed, they will find an equal interest and disposition to promote. Denmark, all Germany and Holland, heretofore under the double restraint of internal regulations and external blockades and depredations from a commerce with the United States, appear by late events to be liberated therefrom.

Like changes equally favourable to the commerce of this country appear to be taking place in Italy and the more eastern parts of the Mediterranean. With respect to Spain and Portugal, in the commerce with whom the United States have great interest, it may be expected that commerce may be carried on without the aid heretofore afforded to the enemy. Should peace take place between France and her enemies, including Great Britain, the commerce of the United States with France will fall under the same remarks.

The considerations of an internal nature which urge a repeal of these acts, at this time, are not less forcible than

those which have been already stated. Among those are the following: The committee are persuaded that it will considerably augment the publick revenue, and thereby maintain the publick credit; that it will enhance the price and promote the circulation of our produce, in lieu of specie, which has, of late, become so much the object of speculations tending to embarrass the government.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE HOUSE OF REPRESENTATIVES. APRIL 16, 1814.

I TRANSMIT to the House of Representatives a report of the Secretary of State, complying with their resolution of the 13th instant.

JAMES MADISON.

## REPORT.

THE Secretary of State, to whom was referred the resolution of the House of Representatives of the 13th instant, requesting information touching our relations with France, has the honour to submit to the President an extract of a letter from the minister plenipotentiary of the United States at Paris, which contains the latest, and the only material information received by this department on that subject. All which is respectfully submitted.

JAMES MONROE.

Department of State, April 16, 1814.

*Extract of a Letter from Mr. Crawford to the Secretary of State. Paris, January 16, 1814.*

"ON the 29th ult. I had an interview with the minister of exterior relations, who informed me that he had made to the emperor a detailed report of the negotiation, and

that he would inform me of his majesty's decision, the moment it should be made known to him. His conversation during this interview was as conciliatory as it could be, and his expressions, though still general, admitted that indemnity was determined upon. The address of the senator count Segur to the inhabitants of the 18th military division of the empire, published in the *Moniteur* of the 15th instant, stated that his majesty was going to place himself at the head of his troops. Knowing that I should not be able to advance a single step in the negotiation during his absence, unless he should before his departure from Paris decide upon the classes of cases for which indemnity should be made, I determined to address a note to the duke of Vicence, with a view to impress more strongly upon his mind the necessity of an immediate decision.

"The day on which I intended to present this note I was informed that the duke of Vicence had set out from Paris at 4 o'clock, A. M. for the head quarters of the two emperors, which was then said to be in Switzerland. The general impression in Paris that day was that the emperor would set out immediately for Metz, where his army of reserve has been forming ever since he crossed the Rhine. This circumstance induced me to believe that the note would not produce any good effect; I therefore determined not to present it. The emperor is still in Paris, and I regret extremely that I did not adhere to my first determination, notwithstanding the absence of the minister of foreign relations. From the situation of affairs here, it is impossible to foresee the delays to which this perplexing business will yet be subject. In the first and only interview which I had with the duke of Bassano, he said expressly that the obstacles which his absence had thrown in the way of the negotiation should not occur again. Two months have not elapsed before the same obstacles are presented."

## SIR A. COCHRANE'S PROCLAMATION.

*By the Honourable Sir Alexander Cochrane, Knight of the Bath, &c. &c. &c. &c.*

## PROCLAMATION.

**WHEREAS** admiral the right honourable sir John Boscawen Warren, did by virtue of the power and authority to him given, by his proclamation bearing date at Halifax, the 16th day of November, 1813, declare that not only the ports and harbours of the Chesapeake, Delaware, New York, Charleston, Port Royal, Savannah, and the river Mississippi, in the United States of America, were and still continued in a state of blockade, but also that part of Long Island Sound, being the sea coast lying within Montaug Point and the point of land opposite thereto, commonly called Black Point, together with all the ports, harbours, creeks and entrances of the North and East rivers of New York, as well as all other the ports, creeks, and bays along the seacoast of Long Island and the state of New York, and all the ports, harbours, rivers and creeks lying and being on the seacoast of the states of East and West Jersey, Pennsylvania, the lower counties on the Delaware, Maryland, Virginia, North and South Carolina, Georgia, and all the entrances from the sea into the said river Mississippi, were blockaded:—And whereas, since the institution of the said blockade, the enemy availing himself of the supplies which have been furnished by means of neutral communication to those ports and places of the said United States which were left open and unrestricted, hath already fitted out numerous vessels of war, and is now engaged in constructing and setting forth several ships of the line as well as frigates and other armed vessels, for the purpose of prosecuting the war with Great Britain, and frustrating the object of the said blockade:

I do therefore, by virtue of the power and authority in me vested, declare, in addition to the said ports and places blockaded as aforesaid, all the remaining ports, harbours, bays, creeks, rivers, inlets, outlets, islands and seacoasts

of the said United States of America, from the point of land commonly called Black Point to the northern and eastern boundaries between the said United States and the British province of New Brunswick in America, to be in a state of strict and rigorous blockade. And I do further declare that I have stationed off the said ports and places, herein before mentioned, a naval force adequate to maintain the said blockade, in the most rigorous and effective manner. And I do hereby require the respective flag officers, captains, commanders and commanding officers of his majesty's ships and vessels employed and to be employed on the North American station, and all others whom it may concern, to pay the strictest regard and attention to the execution of this proclamation. And I do caution and forbid the ships and vessels of all and every nation in peace and amity with the crown of Great Britain, from entering or attempting to enter, or from coming out, or attempting to come out of any of the said ports, harbours, bays, creeks, inlets, outlets, islands and seacoasts, after due notification of the said blockade under any pretence whatever: And that no person may plead ignorance of this proclamation, I have caused the same to be published.

Given under my hand at Bermuda, the 25th day of April, 1814.

ALEXANDER COCHRANE.

To the respective Flag Officers, Captains, &c. &c. &c.  
By Command of the Vice Admiral.

WM. BALHETCHET, Secretary.

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS it is manifest that the blockade, which has been proclaimed by the enemy, of the whole Atlantick coast of the United States, nearly two thousand miles in extent, and abounding in ports, harbours, and navigable inlets, cannot be carried into effect by any adequate force

actually stationed for the purpose; and it is rendered a matter of certainty and notoriety, by the multiplied and daily arrivals and departures of the publick and private armed vessels of the United States, and of other vessels, that no such adequate force has been so stationed: And whereas a blockade thus destitute of the character of a regular and legal blockade, as defined and recognised by the established law of nations, whatever other purposes it may be made to answer, forms no lawful prohibition or obstacle to such neutral and friendly vessels as may choose to visit and trade with the United States: And whereas it accords with the interest and amicable views of the United States, to favour and promote, as far as may be, the free and mutually beneficial commercial intercourse of all friendly nations disposed to engage therein, and with that view, to afford to their vessels destined to the United States, a more positive and satisfactory security against all interruptions, molestations, or vexations whatever, from the cruisers of the United States: Now be it known, that I, James Madison, President of the United States of America, do, by this my proclamation, strictly order and instruct all the publick armed vessels of the United States, and all private armed vessels commissioned as privateers, or with letters of marque and reprisal, not to interrupt, detain, or otherwise molest or vex, any vessels whatever belonging to neutral powers, or the subjects or citizens thereof, which vessels shall be actually bound and proceeding to any port or place within the jurisdiction of the United States; but, on the contrary, to render all such vessels all the aid and kind offices which they may need or require.

Given under my hand and the seal of the United States, at the city of Washington, the 29th day of June, [L. s.] in the year one thousand eight hundred and fourteen, and of the independence of the United States, the thirty-eighth.

JAMES MADISON.

By the President.

JAMES MONROE,  
Secretary of State.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO BOTH  
HOUSES OF CONGRESS. SEPT. 20, 1814.

Fellow Citizens of the Senate and  
of the House of Representatives,

NOTWITHSTANDING the early day which had been fixed for your session of the present year, I was induced to call you together still sooner, as well that any inadequacy in the existing provisions for the wants of the treasury might be supplied, as that no delay might happen in providing for the result of the negotiations on foot with Great Britain, whether it should require arrangements adapted to a return of peace, or further and more effective provisions for prosecuting the war.

That result is not yet known. If, on one hand, the repeal of the orders in council, and the general pacification in Europe, which withdrew the occasion on which impressments from American vessels were practised, suggest expectations that peace and amity may be re-established; we are compelled, on the other hand, by the refusal of the British government to accept the offered mediation of the emperor of Russia; by the delays in giving effect to its own proposal of a direct negotiation; and above all, by the principles and manner in which the war is now avowedly carried on, to infer that a spirit of hostility is indulged more violent than ever, against the rights and prosperity of this country.

This increased violence is best explained by the two important circumstances, that the great contest in Europe, for an equilibrium guarantying all its states against the ambition of any, has been closed without any check on the overbearing power of Great Britain on the ocean; and that it has left in her hands disposable armaments, with which, forgetting the difficulties of a remote war against a free people; and yielding to the intoxication of success, with the example of a great victim to it before her eyes, she cherishes hopes of still further aggrandizing a power already formidable in its abuses to the tranquillity of the civilized and commercial world.

But, whatever may have inspired the enemy with these more violent purposes, the publick councils of a nation, more able to maintain than it was to acquire its independence, and with a devotion to it, rendered more ardent by the experience of its blessings, can never deliberate but on the means most effectual for defeating the extravagant views or unwarrantable passions, with which alone the war can now be pursued against us.

In the events of the present campaign, the enemy, with all his augmented means, and wanton use of them, has little ground for exultation, unless he can feel it in the success of his recent enterprises against this metropolis, and the neighbouring town of Alexandria ; from both of which his retreats were as precipitate, as his attempts were bold and fortunate. In his other incursions on our Atlantick frontier, his progress, often checked and chastised by the martial spirit of the neighbouring citizens, has had more effect in distressing individuals, and in dishonouring his arms, than in promoting any object of legitimate warfare. And in the two instances mentioned, however deeply to be regretted on our part, he will find in his transient success, which interrupted for a moment only the ordinary publick business at the seat of government, no compensation for the loss of character with the world, by his violations of private property, and by his destruction of publick edifices, protected, as monuments of the arts, by the laws of civilized warfare.

On our side we can appeal to a series of achievements, which have given new lustre to the American arms. Besides the brilliant incidents in the minor operations of the campaign, the splendid victories gained on the Canadian side of the Niagara, by the American forces under major general Brown, and brigadiers Scott and Gaines, have gained for these heroes, and their emulating companions, the most unfading laurels ; and having triumphantly tested the progressive discipline of the American soldiery, have taught the enemy, that the longer he protracts his hostile efforts, the more certain and decisive will be his final discomfiture.

On our southern border victory has continued also to follow the American standard. The bold and skilful operations of major general Jackson, conducting troops drawn

from the militia of the states least distant, particularly of Tennessee, have subdued the principal tribes of hostile savages, and, by establishing a peace with them, preceded by recent and exemplary chastisement, has best guarded against the mischief of their co-operation with the British enterprises which may be planned against that quarter of our country. Important tribes of Indians on our north western frontier, have also acceded to stipulations which bind them to the interests of the United States, and to consider our enemy as theirs also.

In the recent attempt of the enemy on the city of Baltimore, defended by militia and volunteers, aided by a small body of regulars and seamen, he was received with a spirit which produced a rapid retreat to his ships; whilst a concurrent attack by a large fleet was successfully resisted by the steady and well-directed fire of the fort and batteries opposed to it.

In another recent attack by a powerful force on our troops at Plattsburg, of which regulars made a part only, the enemy, after a perseverance for many hours, was finally compelled to seek safety in a hasty retreat with our gallant bands pressing upon him.

On the lakes, so much contested throughout the war, the great exertions for the command made on our part have been well repaid. On lake Ontario our squadron is now, and has been for some time, in a condition to confine that of the enemy to his own port, and to favour the operations of our land forces on that frontier.

A part of the squadron on lake Erie has been extended into lake Huron, and has produced the advantage of displaying our command of that lake also. One object of the expedition was the reduction of Mackinaw, which failed with the loss of a few brave men, among whom was an officer justly distinguished for his gallant exploits. The expedition, ably conducted by both the land and the naval commanders, was otherwise highly valuable in its effects.

On lake Champlain, where our superiority had for some time been undisputed, the British squadron lately came into action, with the American, commanded by captain Macdonough. It issued in the capture of the whole of the enemy's ships. The best praise for this officer and his intrepid comrades is in the likeness of his triumph to the

illustrious victory, which immortalized another officer, and established, at a critical moment, our command of another lake.

On the ocean the pride of our naval arms has been amply supported. A second frigate has indeed fallen into the hands of the enemy, but the loss is hidden in the blaze of heroism with which she was defended. Captain Porter, who commanded her, and whose previous career had been distinguished by daring enterprise and by fertility of genius, maintained a sanguinary contest against two ships, one of them superior to his own, and under other severe disadvantages, till humanity tore down the colours which valour had nailed to the mast. This officer and his brave comrades have added much to the rising glory of the American flag, and have merited all the effusions of gratitude which their country is ever ready to bestow on the champions of its rights and of its safety.

Two smaller vessels of war have also become prizes to the enemy, but by a superiority of force, which sufficiently vindicates the reputation of their commanders; whilst two others, one commanded by captain Warrington, the other by captain Blakely, have captured British ships of the same class, with a gallantry and good conduct, which entitle them, and their companions, to a just share in the praise of their country.

In spite of the naval force of the enemy accumulated on our coasts, our private cruisers also have not ceased to annoy his commerce, and to bring their rich prizes into our ports; contributing thus, with other proofs, to demonstrate the incompetency and illegality of a blockade, the proclamation of which is made the pretext for vexing and discouraging the commerce of neutral powers with the United States.

To meet the extended and diversified warfare adopted by the enemy, great bodies of militia have been taken into service for the publick defence, and great expenses incurred. That the defence every where may be both more convenient and more economical, Congress will see the necessity of immediate measures for filling the ranks of the regular army, and of enlarging the provision for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I

earnestly renew, at the same time, a recommendation of such changes in the system of the militia, as by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the publick safety, all the requisite energy and efficiency.

The moneys received into the treasury during the nine months ending on the thirtieth day of June last, amounted to thirty-two millions of dollars, of which near eleven millions were the proceeds of the publick revenue, and the remainder derived from loans. The disbursements for publick expenditures during the same period exceeded thirty-four millions of dollars, and left in the treasury, on the first day of July, near five millions of dollars. The demands during the remainder of the present year already authorized by Congress, and the expenses incident to an extension of the operations of the war, will render it necessary that large sums should be provided to meet them.

From this view of the national affairs, Congress will be urged to take up, without delay, as well the subject of pecuniary supplies as that of military force, and on a scale commensurate with the extent and the character which the war has assumed. It is not to be disguised, that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and money; on the land and on the water. Availing himself of fortuitous advantages, he is aiming, with his undivided force, a deadly blow at our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnest of it, in the plunder and wanton destruction of private property. In his pride of maritime dominion, and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste, with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility in its greatest force and in its worst forms, may be looked for. The American people will face it with the undaunted spirit, which in their revolutionary struggle defeated his unrighteous projects. His threats

and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary, the national legislature will not distrust the heroick and enlightened patriotism of its constituents. They will cheerfully and proudly bear every burden of every kind, which the safety and honour of the nation demand. We have seen them every where paying their taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where danger and duty call. In offering their blood, they give the surest pledge that no other tribute will be withheld.

Having forborne to declare war until to other aggressions had been added the capture of nearly a thousand American vessels, and the impressment of thousands of American seafaring citizens, and until a final declaration had been made by the government of Great Britain, that her hostile orders against our commerce would not be revoked, but on conditions as impossible as unjust; whilst it was known that these orders would not otherwise cease, but with a war which had lasted nearly twenty years, and which, according to appearances at that time, might last as many more; having manifested on every occasion, and in every proper mode, a sincere desire to arrest the effusion of blood, and meet our enemy on the ground of justice and reconciliation, our beloved country, in still opposing to his persevering hostility all its energies, with an undiminished disposition towards peace and friendship on honourable terms, must carry with it the good wishes of the impartial world, and the best hopes of support from an omnipotent and kind Providence.

JAMES MADISON.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
SENATE. OCT. 3, 1814.

I TRANSMIT to the Senate a report from the department of state, complying with their resolution of the 26th ultimo.

JAMES MADISON.

THE undersigned, acting as Secretary of State, to whom was referred the resolution of the Senate, requesting the President to cause to be laid before the Senate such information in his possession, respecting the existing state of the relations between the United States and the continental powers of Europe, as he may deem not improper to be communicated, has the honour to report :

That the relations of the United States with the continental powers of Europe continue to be those of peace and amity ; nor is there, so far as is known to this department, reason to believe that an unfavourable change is likely to take place.

Measures have been taken to continue our diplomatic relations with France under the existing government, and to renew those with Spain, which have been for a time interrupted by the peculiar circumstances of that country. Diplomatic relations are also renewed with the United Provinces of the low countries. The new government has sent an envoy extraordinary and minister plenipotentiary to the United States, who has been received.

With the other powers of the continent of Europe, our relations have undergone no change since the last session of Congress.

All which is respectfully submitted.

JAMES MONROE.

Department of State, Oct. 1, 1814.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. OCT. 10, 1814.

I LAY before Congress communications just received from the plenipotentiaries of the United States, charged with negotiating peace with Great Britain; showing the conditions on which alone that government is willing to put an end to the war,

The instructions to those plenipotentiaries disclosing the grounds on which they were authorized to negotiate and conclude a treaty of peace, will be the subject of another communication.

JAMES MADISON.

*Copy of a Letter from the Commissioners Extraordinary and Plenipotentiary, of the United States, for treating of Peace with Great Britain, to the Secretary of State, Ghent, August 12, 1814.*

SIR,—We have the honour to inform you that the British commissioners, lord Gambier, Henry Goulburn, Esq. and William Adams, Esq. arrived in this city on Saturday evening the sixth instant. The day after their arrival, Mr. Baker, their secretary, called upon us to give us notice of the fact, and to propose a meeting, at a certain hour, on the ensuing day. The place having been agreed upon, we accordingly met at one o'clock, on Monday the 8th instant.

We enclose herewith a copy of the full powers exhibited by the British commissioners at that conference; which was opened on their part by an expression of the sincere and earnest desire of their government, that the negotiation might result in a solid peace, honourable to both parties. They, at the same time, declared, that no events which had occurred since the first proposal for this nego-

tiation, had altered the pacifick disposition of their government, or varied its views, as to the terms upon which it was willing to conclude the peace.

We answered that we heard these declarations with great satisfaction, and that our government had acceded to the proposal of negotiation, with the most sincere desire to put an end to the differences which divided the two countries; and to lay upon just and liberal grounds, the foundation of a peace, which, securing the rights and interests of both nations, should unite them by lasting bonds of amity.

The British commissioners then stated the following subjects, as those upon which it appeared to them that the discussions would be likely to turn, and on which they were instructed.

1. The forcible seizure of mariners on board of merchant vessels, and in connexion with it, the claim of his Britannick majesty to the allegiance of all the native subjects of Great Britain.

We understood them to intimate, that the British government did not propose this point, as one which they were particularly desirous of discussing; but that, as it had occupied so prominent a place in the disputes between the two countries, it necessarily attracted notice, and was considered as a subject which would come under discussion.

2. The Indian allies of Great Britain to be included in the pacification, and a definite boundary to be settled for their territory.

The British commissioners stated, that an arrangement upon this point was a *sine qua non*; that they were not authorized to conclude a treaty of peace, which did not embrace the Indians as allies of his Britannick majesty; and that the establishment of a definite boundary of the Indian territory, was necessary to secure a permanent peace, not only with the Indians, but also between the United States and Great Britain.

3. A revision of the boundary line between the United States, and the adjacent British colonies.

With respect to this point, they expressly disclaimed any intention on the part of their government, to acquire an

increase of territory, and represented the proposed revision, as intended merely for the purpose of preventing uncertainty and dispute.

After having stated these three points, as subjects of discussion, the British commissioners added, that, before they desired any answer from us, they felt it incumbent upon them to declare, that the British government did not deny the right of the Americans to the fisheries generally, or in the open seas; but that the privileges formerly granted by treaty to the United States, of fishing within the limits of the British jurisdiction, and of landing and drying fish on the shores of the British territories, would not be renewed without an equivalent.

The extent of what was considered by them as waters peculiarly British, was not stated. From the manner in which they brought this subject into view, they seemed to wish us to understand, that they were not anxious that it should be discussed; and that they only intended to give us notice, that these privileges had ceased to exist, and would not be again granted without an equivalent, nor unless we thought proper to provide expressly in the treaty of peace for their renewal.

The British commissioners having stated, that these were all the subjects which they intended to bring forward; or to suggest, requested to be informed, whether we were instructed to enter into negotiation on these several points? and whether there was any amongst these, which we thought it unnecessary to bring into the negotiation? and they desired us to state, on our part, such other subjects as we might intend to propose for discussion, in the course of the negotiation. The meeting was then adjourned to the next day, in order to afford us the opportunity of a consultation among ourselves, before we gave an answer.

In the course of the evening of the same day, we received your letters of the 25th and 27th of June.

There could be no hesitation on our part, in informing the British commissioners that we were not instructed on the subjects of Indian pacification or boundary, and of fisheries. Nor did it seem probable, although neither of these points had been stated with sufficient precision in

that first verbal conference, that they could be admitted in any shape. We did not wish, however, to prejudge the result, or by any hasty proceeding abruptly to break off the negotiation. It was not impossible that, on the subject of the Indians, the British government had received erroneous impressions from the Indian traders in Canada, which our representations might remove; and it appeared, at all events, important to ascertain distinctly the precise intentions of Great Britain on both points. We therefore thought it advisable to invite the British commissioners to a general conversation on all the points; stating to them at the same time, our want of instructions on two of them, and holding out no expectation of the probability of our agreeing to any article respecting these.

At our meeting on the ensuing day, we informed the British commissioners that, upon the first and third points proposed by them, we were provided with instructions; and we presented as further subjects considered by our government as suitable for discussion:

1. A definition of blockade, and as far as might be mutually agreed, of other neutral and belligerent rights;
2. Claims of indemnity in certain cases of capture and seizure.

We then stated that the two subjects, 1st, of Indian pacification and boundary, 2dly, of fisheries, were not embraced by our instructions. We observed, that as these points had not been, heretofore, the grounds of any controversy between the government of Great Britain and that of the United States, and had not been alluded to by lord Castlereagh, in his letter proposing the negotiation, it could not be expected that they should have been anticipated and made the subject of instructions by our government: that it was naturally to be supposed that our instructions were confined to those subjects upon which differences between the two countries were known to exist; and that the proposition to define in a treaty between the United States and Great Britain, the boundary of the Indian possessions within our own territories, was new and without example. No such provision had been inserted in the treaty of peace in 1783, nor in any other

treaty between the two countries. No such provision had, to our knowledge, ever been inserted in any treaty made by Great Britain, or any other European power, in relation to the same description of people, existing under like circumstances. We would say, however, that it could not be doubted, that peace with the Indians would certainly follow a peace with Great Britain: that we had information that commissioners had already been appointed to treat with them; that a treaty to that effect might, perhaps, have been already concluded; and that the United States having no interest, nor any motive to continue a separate war against the Indians, there could never be a moment when our government would not be disposed to make peace with them.

We then expressed our wish to receive from the British commissioners, a statement of the views and objects of Great Britain upon all the points, and our willingness to discuss them all, in order that, even if no arrangement could be agreed on, upon the points not included in our instructions, the government of the United States might be possessed of the entire and precise intentions of that of Great Britain, respecting these points, and that the British government might be fully informed of the objections, on the part of the United States, to any such arrangement.

In answer to our remark, that these points had not been alluded to by lord Castlereagh in his letter proposing the negotiation, it was said, that it could not be expected, that in a letter merely intended to invite a negotiation, he should enumerate the topics of discussion, or state the pretensions of his government; since these would depend upon ulterior events, and might arise out of a subsequent state of things.

In reply to our observation, that the proposed stipulation of an Indian boundary was without example in the practice of European nations, it was asserted, that the Indians must in some sort be considered as an independent people, since treaties were made with them, both by Great Britain and by the United States; upon which, we pointed out the obvious and important difference between the treaties we might make with Indians, living in our territo-

ry, and such a treaty as was proposed to be made, respecting them, with a foreign power who had solemnly acknowledged the territory on which they resided, to be part of the United States.

We were then asked by the British commissioners, whether, in case they should enter further upon the discussion of the several points which had been stated, we could expect that it would terminate by some provisional arrangement on the points on which we had no instructions, particularly on that respecting the Indians, which arrangement would be subject to the ratification of our government ?

We answered, that before the subjects were distinctly understood, and the objects in view more precisely disclosed, we could not decide, whether it would be possible to form any satisfactory article on the subject ; nor pledge ourselves as to the exercise of a discretion under our powers, even with respect to a provisional agreement. We added, that as we should deeply deplore a rupture of the negotiation on any point, it was our anxious desire to employ all possible means to avert an event so serious in its consequences ; and that we had not been without hopes that a discussion might correct the effect of any erroneous information which the British government might have received on the subject which they had proposed as a preliminary basis.

We took this opportunity to remark, that no nation observed a policy more liberal and humane towards the Indians than that pursued by the United States ; that our object had been, by all practicable means, to introduce civilization amongst them ; that their possessions were secured to them by well defined boundaries ; that their persons, lands, and other property, were now more effectually protected against violence or frauds from any quarter, than they had been under any former government ; that even our citizens were not allowed to purchase their land ; that when they gave up their title to any portion of their country to the United States, it was by voluntary treaty with our government, who gave them a satisfactory equivalent ; and that, through these means, the United States had succeeded in preserving, since the treaty of

Greenville, in 1755, an uninterrupted peace of sixteen years with all the Indian tribes—a period of tranquillity much longer than they were known to have enjoyed heretofore.

It was then expressly stated on our part, that the proposition respecting the Indians, was not distinctly understood. We asked whether the pacification and the settlement of a boundary for them were both made a *sine qua non*? which was answered in the affirmative. The question was then asked the British commissioners, whether the proposed Indian boundary was intended to preclude the United States from the right of purchasing by treaty from the Indians, without the consent of Great Britain, lands lying beyond that boundary? and as a restriction upon the Indians from selling, by amicable treaties, lands to the United States, as had been hitherto practised?

To this question, it was first answered by one of the commissioners, that the Indians would not be restricted from selling their lands, but that the United States would be restricted from purchasing them; and, on reflection, another of the commissioners stated that it was intended that the Indian territories should be a barrier between the British dominions and those of the United States; that both Great Britain and the United States should be restricted from purchasing their lands; but that the Indians might sell them to a third party.

The proposition respecting Indian boundary thus explained, and connected with the right of sovereignty ascribed to the Indians over the country, amounted to nothing less than a demand of the absolute cession of the rights both of sovereignty and of soil. We cannot abstain from remarking to you, that the subject (of Indian boundary) was indistinctly stated when first proposed, and that the explanations were at first obscure and always given with reluctance: And it was declared from the first moment, to be a *sine qua non* rendering any discussion unprofitable, until it was admitted as a basis. Knowing that we had no power to cede to the Indians any part of our territory, we thought it unnecessary to ask, what probably would not have been answered till the principle was ad-

mitted, where the line of demarcation of the Indian country was proposed to be established ?

The British commissioners, after having repeated that their instructions on the subject of the Indians were peremptory, stated that, unless we could give some assurance that our powers would allow us to make at least a provisional arrangement on the subject, any farther discussion would be fruitless, and that they must consult their own government on this state of things. They proposed accordingly a suspension of the conferences, until they should have received an answer, it being understood that each party might call a meeting whenever they had any proposition to submit. They despatched a special messenger the same evening, and we are now waiting for the result.

Before the proposed adjournment took place, it was agreed that there should be a protocol of the conferences ; that a statement should for that purpose be drawn up by each party, and that we should meet the next day to compare the statements. We accordingly met again on Wednesday the 10th instant, and ultimately agreed upon what should constitute the protocol of the conferences. A copy of this instrument we have the honour to transmit with this despatch ; and we also enclose a copy of the statement originally drawn up on our part, for the purpose of making known to you, the passages to which the British commissioners objected.

Their objection to some of the passages was, that they appeared to be argumentative, and that the object of the protocol was to contain a mere statement of facts. They however objected to the insertion of the answer which they had given to our question respecting the effect of the proposed Indian boundary ; but they agreed to an alteration of their original proposition on that subject, which renders it much more explicit than as stated, either in the first conference, or in their proposed draught of the protocol. They also objected to the insertion of the fact that they had proposed to adjourn the conferences, until they could obtain further instructions from their govern-

ment. The return of their messenger may perhaps disclose the motive of their reluctance in that respect.

We have the honour to be, &c.

JOHN QUINCY ADAMS,  
J. A. BAYARD,  
H. CLAY,  
JONATHAN RUSSELL.

*Draught of original Protocol made by the American Ministers, of the two first conferences held with the British Commissioners.*

At a meeting between the commissioners of his Britannick majesty, and those of the United States of America, for negotiating and concluding a peace, held at Ghent, August 8, 1814, the following points were presented by the commissioners, on the part of Great Britain, as subjects for discussion.

1. The forcible seizure of mariners on board of merchant vessels, and the claim of allegiance of his Britannick majesty, upon all the native born subjects of Great Britain.
2. The Indian allies of Great Britain to be included in the pacification, and a boundary to be settled between the dominions of the Indians, and those of the United States. Both parts of this point are considered by the British government as a *sine qua non* to the conclusion of a treaty.
3. The revision of the boundary line between the territories of the United States, and those of Great Britain adjoining them in North America.
4. The fisheries—respecting which, the British government will not allow the people of the United States the privilege of landing and drying fish within the territorial jurisdiction of Great Britain, without an equivalent.

The American commissioners were requested to say, whether their instructions from their government authorized them to treat upon these several points; and to state, on their part, such other points as they might be further instructed to propose for discussion.

The meeting was adjourned to Tuesday, the 31st of August, on which day the commissioners met again.

The American commissioners, at this meeting, stated, that upon the first and third points proposed by the British commissioners, they were provided with instructions from their government; and that on the second and fourth of those points, there not having existed, heretofore, any differences between the two governments, they had not been anticipated by the government of the United States, and were therefore not provided for in their instructions. That in relation to an Indian pacification, they knew that the government of the United States had appointed commissioners to treat of peace with the Indians; and that it was not improbable that peace had been made with them.

The American commissioners presented, as further points (subjects,) considered by the government of the United States, as suitable for discussion.

1. A definition of blockade; and, as far as may be agreed, of other neutral and belligerent rights.

2. Certain claims of indemnity to individuals, for captures and seizures proceeding and subsequent to the war.

3. They further stated, that there were various other points to which their instructions extended, which might with propriety be objects of discussion, either in the negotiation of the peace, or in that of a treaty of commerce, which, in the case of a propitious termination of the present conferences, they were likewise authorized to conclude. That for the purpose of facilitating the first and most essential object of peace, they had discarded every subject which was not considered as peculiarly connected with that; and presented only those points which appeared to be immediately relevant to this negotiation.

The American commissioners expressed their wish to receive from the British commissioners a statement of the views and objects of Great Britain, upon all the points, and their willingness to discuss them all, in order that, if no arrangement could be agreed to, upon the points not in their instructions, which would come within the scope of the powers committed to their discretion, the government of the United States might be put in possession of the entire and precise intentions of that of Great Britain,

with regard to such points ; and that the British government might be fully informed of the objections on the part of the United States to any such arrangement.

They, the American commissioners, were asked, whether, if those of Great Britain should enter further upon the discussion, particularly respecting the Indian boundary, the American commissioners could expect that it would terminate by some provisional arrangement, which they could conclude, subject to the ratification of their government ?

They answered, that as any arrangement to which they could agree upon the subject, must be without specific authority from their government, it was not possible for them, previous to discussion, to decide, whether an article on the subject could be formed, which would be mutually satisfactory, and to which they should think themselves, under their discretionary powers, justified in acceding.

The British commissioners declined entering upon the discussion, unless the American commissioners would say that they considered it within their discretion to make a provisional arrangement on the subject, conformable to the view of it prescribed by the British government, and proposed to adjourn the conferences, for the purpose of consulting their own government on this state of things.

The British commissioners were asked, whether it was understood, as an effect of the proposed boundary for the Indians, that the United States would be precluded from the right of purchasing territory from the Indians within that boundary, by amicable treaty with the Indians themselves, without the consent of Great Britain ? and whether it was understood to operate as a restriction upon the Indians, from selling, by such amicable treaties, lands to the United States, as has been hitherto practised.

They answered, that it was understood, that the Indian territories should be a barrier between the British possessions and those of the United States ; that the United States and Great Britain should both be restricted from such purchases of lands ; but that the Indians would not be restricted from selling them to any third party.

The meeting was adjourned to Wednesday, 10th of August.

True copy,

C. HUGHES, JUN.  
Secretary to the Mission Extraordinary.

*Protocol of Conference, August 8, 1814.*

THE British and American commissioners having met, their full powers were respectively produced, which were found satisfactory, and copies thereof were exchanged.

The British commissioners stated the following subjects, as those upon which, it appeared to them, that the discussions between themselves, and the American commissioners, would be likely to turn.

1. The forcible seizure of mariners from on board merchant ships on the high seas, and in connexion with it, the right of the king of Great Britain to the allegiance of all his native subjects.

2. That the peace be extended to the Indian allies of Great Britain, and that the boundary of their territory be definitively marked out, as a permanent barrier between the dominions of Great Britain and the United States. An arrangement on this subject to be a *sine qua non* of a treaty of peace.

3. A revision of the boundary line between the British and American territories, with a view to prevent future uncertainty and dispute.

The British commissioners requested information, whether the American commissioners were instructed to enter into negotiation on the above points? but before they desired any answer, they felt it right to communicate the intentions of their government, as to the North American fisheries, viz: That the British government did not intend to grant to the United States, gratuitously, the privileges formerly granted by treaty to them, of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the fisheries.

AUGUST 9. The meeting being adjourned to the 9th of August, the commissioners met again on that day.

The American commissioners at this meeting stated, that upon the first and third points proposed by the British commissioners, they were provided with instructions from their government; and that the second and fourth of these points, were not provided for in their instructions. That in relation to an Indian pacification, they knew that the government of the United States had appointed commissioners to treat of peace with the Indians; and that it was not improbable that peace had been made with them.

The American commissioners presented as farther subjects, considered by the government of the United States, as suitable for discussion:

1. A definition of blockade, and as far as may be agreed, of other neutral and belligerent rights.

2. Certain claims to indemnity for captures and seizures preceding and subsequent to the war.

3. They further stated, that there were various other points, to which their instructions extended, which might with propriety be objects of discussion, either in the negotiation of the peace, or in that of a treaty of commerce; which, in the case of a propitious termination of the present conferences, they were likewise authorized to conclude. That for the purpose of facilitating the first and most essential object of peace, they had discarded every subject which was not considered as peculiarly connected with that, and presented only those points which appeared to be immediately relevant to this negotiation.

The American commissioners expressed their wish to receive from the British commissioners, a statement of the views and objects of Great Britain upon all the points, and their willingness to discuss them all.

They, the American commissioners, were asked, whether, if those of Great Britain should enter further upon this discussion, particularly respecting the Indian boundary, the American commissioners could expect that it would terminate by some provisional arrangement, which they could conclude, subject to the ratification of their government?

They answered, that as any arrangement to which they could agree upon the subject, must be without specific

authority from their government, it was not possible for them, previous to discussion, to decide whether any article on the subject could be formed which would be mutually satisfactory, and to which they should think themselves, under their discretionary powers, justified in acceding.

The meeting was adjourned.

True copy,

C. HUGHES, JUN.  
Secretary of Legation.

*Messrs. Adams, Bayard, Clay, Russell, and Gallatin, to Mr. Monroe, Secretary of State. Ghent, Aug. 19, 1814.*

SIR,—Mr. Baker, secretary to the British mission, called upon us to-day at one o'clock, and invited us to a conference to be held at three. This was agreed to, and the British commissioners opened it by saying, that they had received their further instructions this morning, and had not lost a moment in requesting a meeting for the purpose of communicating the decision of their government. It is proper to notice that lord Castlereagh had arrived last night in this city, whence, it is said, he will depart to-morrow on his way to Brussels and Vienna.

The British commissioners stated that their government had felt some surprise that we were not instructed respecting the Indians, as it could not have been expected that they would leave their allies, in their comparatively weak situation, exposed to our resentment. Great Britain might justly have supposed that the American government would have furnished us with instructions authorizing us to agree to a positive article on the subject; but the least she could demand was, that we should sign a provisional article admitting the principle, subject to the ratification of our government; so that, if it should be ratified, the treaty should take effect; and if not, that it should be null and void: on our assent or refusal to admit such an article would depend the continuance or suspension of the negotiation.

As we had represented that the proposition made by them, on that subject, was not sufficiently explicit, their government had directed them to give us every necessary

explanation, and to state distinctly the basis which must be considered as an indispensable preliminary.

It was a *sine qua non* that the Indians should be included in the pacification, and, as incident thereto, that the boundaries of their territories should be permanently established. Peace with the Indians was a subject so simple as to require no comment. With respect to the boundary which was to divide their territory from that of the United States, the object of the British government was, that the Indians should remain as a permanent barrier between our western settlements and the adjacent British provinces, to prevent them from being continuous to each other: and that neither the United States nor Great Britain should ever hereafter have the right to purchase or acquire any part of the territory thus recognised as belonging to the Indians. With regard to the extent of the Indian territory, and the boundary line, the British government would propose the lines of the Greenville treaty, as a proper basis, subject however to discussion and modifications.

We stated, that the Indian territory, according to these lines, would comprehend a great number of American citizens; not less, perhaps, than a hundred thousand: and asked, what was the intention of the British government respecting them, and under whose government they would fall? It was answered that those settlements would be taken into consideration when the line became a subject of discussion; but that such of the inhabitants as would ultimately be included within the Indian territory, must make their own arrangements, and provide for themselves.

The British commissioners here said, that considering the importance of the question we had to decide, (that of agreeing to a provisional article) their government had thought it right, that we should also be fully informed of its views with respect to the proposed revision of the boundary line between the dominions of Great Britain and the United States.

1. Experience had proved that the joint possession of the lakes, and a right, common to both nations, to keep up a naval force on them, necessarily produced collisions, and

rendered peace insecure. As Great Britain could not be supposed to expect to make conquests in that quarter, and as that province was essentially weaker than the United States, and exposed to invasion, it was necessary for its security that Great Britain should require that the United States should hereafter keep no armed naval force on the western lakes, from lake Ontario to lake Superior, both inclusive; that they should not erect any fortified or military post or establishment on the shores of those lakes; and that they should not maintain those which were already existing. This must, they said, be considered as a moderate demand, since Great Britain, if she had not disclaimed the intention of any increase of territory, might, with propriety, have asked a cession of the adjacent American shores. The commercial navigation and intercourse would be left on the same footing as heretofore. It was expressly stated (in answer to a question we asked) that Great Britain was to retain the right of having an armed naval force on those lakes, and of holding military posts and establishments on their shores.

2. The boundary line west of lake Superior, and thence to the Mississippi, to be revised, and the treaty-right of Great Britain to the navigation of the Mississippi to be continued. When asked whether they did not mean the line from the Lake of the Woods to the Mississippi? the British commissioners repeated, that they meant the line from lake Superior to that river.

3. A direct communication from Halifax and the province of New Brunswick to Quebec, to be secured to Great Britain. In answer to our question, in what manner this was to be effected? we were told that it must be done by a cession to Great Britain of that portion of the district of Maine (in the state of Massachusetts) which intervenes between New Brunswick and Quebec, and prevents that direct communication.

Reverting to the proposed provisional article, respecting the Indian pacification and boundary, the British commissioners concluded by stating to us, that if the conferences should be suspended by our refusal to agree to such an article, without having obtained further instructions

from our government; Great Britain would not consider herself bound to abide by the terms which she now offered, but would be at liberty to vary and regulate her demands, according to subsequent events, and in such manner as the state of the war, at the time of renewing the negotiations, might warrant.

We asked whether the statement made, respecting the proposed revision of the boundary line between the United States and the dominions of Great Britain, embraced all the objects she meant to bring forward for discussion, and what were, particularly, her views with respect to Moose Island, and such other islands in the bay of Passamaquoddy as had been in our possession till the present war, but had been lately captured? We were answered, that those islands belonging of right to Great Britain (as much so, one of the commissioners said, as Northamptonshire) they would certainly be kept by her, and were not even supposed to be an object of discussion.

From the forcible manner in which the demand, that the United States should keep no naval armed force on the lakes, nor any military post on their shores, had been brought forward, we were induced to inquire whether this condition was also meant as a *sine qua non*? To this the British commissioners declined giving a positive answer. They said that they had been sufficiently explicit, that they had given us one *sine qua non*, and when we had disposed of that, it would be time enough to give us an answer as to another.

We then stated, that, considering the nature and importance of the communication made this day, we wished the British commissioners to reduce their proposals to writing, before we gave them an answer. This they agreed to, and promised to send us an official note without delay.

We need hardly say, that the demands of Great Britain will receive from us an unanimous and decided negative. We do not deem it necessary to detain the John Adams for the purpose of transmitting to you the official notes which may pass on the subject, and close the negotiation. And we have felt it our duty immediately to apprize you,

by this hasty, but correct sketch of our last conference, that there is not, at present, any hope of peace.

We have the honour to be, &c.

JOHN QUINCY ADAMS,  
J. A. BAYARD,  
H. CLAY,  
JONA. RUSSELL,  
ALBERT GALLATIN.

P. S. August 20th, 1814. We have this moment received the note of the British commissioners, which had been promised to us, bearing date yesterday, a copy of which we have the honour to enclose.

*Note of the British Commissioners.*

THE undersigned, plenipotentiaries of his Britannick majesty, do themselves the honour of acquainting the plenipotentiaries of the United States, that they have communicated to their court the result of the conference which they had the honour of holding with them upon the 9th instant, in which they stated that they were unprovided with any specifick instructions as to comprehending the Indian nations in a treaty of peace to be made with Great Britain, and as to defining a boundary to the Indian territory.

The undersigned are instructed to acquaint the plenipotentiaries of the United States, that his majesty's government having, at the outset of the negotiation, with a view to a speedy restoration of peace, reduced as far as possible the number of points to be discussed; and having professed themselves willing to forego on some important topics any stipulation to the advantage of Great Britain, cannot but feel some surprise that the government of the United States should not have furnished their plenipotentiaries with instructions upon those points which could hardly fail to come under discussion.

Under the inability of the American plenipotentiaries to conclude any article upon the subject of Indian pacifica-

tion and Indian boundary, which shall bind the government of the United States, his majesty's government conceive that they cannot give a better proof of their sincere desire for the restoration of peace than by professing their willingness to accept a provisional article upon those heads, in the event of the American plenipotentiaries considering themselves authorized to accede to the general principles upon which such an article ought to be founded. With a view to enable the American plenipotentiaries to decide how far the conclusion of such an article is within the limit of their general discretion, the undersigned are directed to state fully and distinctly the bases upon which alone Great Britain sees any prospect of advantage in the continuance of the negotiations at the present time.

The undersigned have already had the honour of stating to the American plenipotentiaries that in considering the points above referred to as a *sine qua non* of any treaty of peace, the view of the British government is the permanent tranquillity and security of the Indian nations, and the prevention of those jealousies and irritations to which the frequent alteration of the Indian limits has heretofore given rise.

For this purpose it is indispensably necessary that the Indian nations, who have been during the war in alliance with Great Britain, should, at the termination of the war, be included in the pacification.

It is equally necessary that a definite boundary should be assigned to the Indians, and that the contracting parties should guaranty the integrity of their territory by a mutual stipulation not to acquire by purchase, or otherwise, any territory within the specified limits. The British government are willing to take as the basis of an article on this subject, those stipulations of the treaty of Greenville, subject to modifications, which relate to a boundary line.

As the undersigned are desirous of stating every point in connexion with the subject which may reasonably influence the decision of the American plenipotentiaries in the exercise of their discretion, they avail themselves of this opportunity to repeat, what they have already stated, that Great Britain desires the revision of the frontier between her North American dominions, and those of the

United States, not with any view to an acquisition of territory as such, but for the purpose of securing her possessions, and preventing future disputes.

The British government consider the lakes, from lake Ontario to lake Superior, both inclusive, to be the natural military frontier of the British possessions in North America. As the weaker power on the North American continent, the least capable of acting offensively, and the most exposed to sudden invasion, Great Britain considers the military occupation of these lakes as necessary to the security of her dominions. A boundary line equally dividing these waters, with a right in each nation to arm, both upon the lakes and upon their shores, is calculated to create a contest for naval ascendancy in peace as well as in war. The power which occupies these lakes should, as a necessary result, have the military occupation of both shores. In furtherance of this object, the British government is prepared to propose a boundary. But as this might be misconstrued as an intention to extend their possessions to the southward of the lakes, (which is by no means the object they have in view) they are disposed to leave the territorial limits undisturbed, and as incident to them, the free commercial navigation of the lakes, provided that the American government will stipulate not to maintain, or construct, any fortifications upon, or within, a limited distance of the shores, or maintain, or construct, any armed vessel upon the lakes in question, or in the rivers which empty themselves into the same.

If this can be adjusted, there will then remain for discussion the arrangement of the north western boundary between lake Superior and the Mississippi, the free navigation of that river, and such a variation of the line of frontier as may secure a direct communication between Quebec and Halifax.

The undersigned trust, that the full statement which they have made of the views and objects of the British government in requiring the pacification of the Indian nations, and a permanent limit to their territories, will enable the American plenipotentiaries to conclude a provisional article upon the basis above stated. Should they feel it necessary to refer to the government of the United

States for further instructions, the undersigned feel it incumbent upon them to acquaint the American plenipotentiaries, that their government cannot be precluded, by any thing that has passed, from varying the terms at present proposed, in such a manner as the state of the war, at the time of resuming the conferences, may, in their judgment, render advisable.

The undersigned avail themselves of this occasion to renew to the plenipotentiaries of the United States, the assurance of their high consideration.

GAMBIER,  
HENRY GOULBURN,  
WILLIAM ADAMS.

Ghent, Aug. 19, 1814.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.  
OCTOBER 13, 1814.

I now transmit to Congress copies of the instructions to the plenipotentiaries of the United States, charged with negotiating a peace with Great Britain, as referred to in my message of the 10th inst.

JAMES MADISON.

## INSTRUCTIONS, &c.

*Mr. Monroe to the Plenipotentiaries of the United States, for treating of Peace with Great Britain. Department of State, April 15, 1813.*

GENTLEMEN,—I had the honour, on the ——— ultimo to receive Mr. Adams's two letters, one bearing date the 30th September, and the other on the 17th October last, communicating the overture of the emperor of Russia, to promote peace by his friendly mediation between the United

States and Great Britain. On the day following, Mr. Daschkoff, the Russian minister, made a similar communication to this department. The subject has, in consequence, been duly considered: and I have now to make known to you the result.

The President has not hesitated to accept the mediation of Russia, and he indulges a strong hope that it will produce the desired effect. It is not known that Great Britain has acceded to the proposition, but it is presumed that she will not decline it. The President thought it improper to postpone his decision until he should hear of that of the British government. Sincerely desirous of peace, he has been willing to avail himself of every opportunity which might tend to promote it on just and honourable conditions, and in accepting this overture he has been particularly gratified to evince, by the manner of it, the distinguished consideration which the United States entertain for the emperor Alexander. Should the British government accept the mediation, the negotiation to which it leads will be held at St. Petersburg. The President commits it to you, for which a commission is enclosed, and he has appointed Mr. Harris secretary of the mission.

The impressment of our seamen, and illegal blockades, as exemplified more particularly in the orders in council, were the principal causes of the war. Had not Great Britain persevered obstinately in the violation of these important rights, the war would not have been declared. It will cease as soon as these rights are respected. The proposition made by Mr. Russell to the British government immediately after the war, and the answer given by this department to admiral Warren's letter since, show the ground on which the United States were willing to adjust the controversy relative to impressment.

This has been further evinced by a report of the committee of foreign relations of the House of Representatives, and an act of Congress passed in consequence of that report. By these documents you will see that to accommodate this important difference, the United States are disposed to exclude British seamen altogether from the American service. This being effectually done, the British government can have no pretext for the practice. How shall it be

done? By restraints to be imposed by each nation on the naturalization of the seamen of the other, excluding at the same time all others not naturalized—Or shall the right of each nation to naturalize the seamen of the other be prohibited, and each exclude from its service the natives of the other? Whatever the rule is it ought to be reciprocal. If Great Britain is allowed to naturalize American seamen, the United States should enjoy the same privilege. If it is demanded that the United States shall exclude from their service all native British subjects, a like exclusion of American citizens from British service ought to be reciprocated. The mode also should be common to both countries. Each should be at liberty to give the same facilities, or be bound to impose the same restraints that the other does. The President is willing to agree to either alternative, and to carry it into effect by the most eligible regulations that can be devised.

If the first alternative is adopted, the extent of the proposed exclusion will depend on the impediments to naturalization, on the efficacy of the regulations to prevent imposition, and the fidelity of their execution. The greater the difficulty in acquiring the right of citizenship, the easier will it be to avoid imposition, and the more complete the desired exclusion. The law of the last session of Congress relative to seamen, proves how sincerely desirous the legislative as well as executive branch of our government is, to adjust this controversy on conditions which may be satisfactory to Great Britain. By that law it is made indispensable for every British subject who may hereafter become a citizen, to reside five years without intermission within the United States, and so many guards are imposed to prevent frauds, that it seems to be impossible that they should be eluded. No British subject can be employed in a publick or private ship of the United States, unless he produces to the commander in the one instance, and to the collector in the other, a certified copy of the act by which he became naturalized. A list of the crew, in the case of a private ship, must be taken, certified, and recorded by the collector, and the consuls or commercial agents of Great Britain may object to any seamen, and attend the investigation. The commander of a pub-

lick ship receiving a person not duly qualified shall forfeit a thousand dollars, and the commander or owner of a private ship, knowing thereof, five hundred dollars, to be recovered in an action of debt, one half to the informer, and one half to the United States. It is also made penal, punishable as a felony, by imprisonment and labour from three to five years or by fine from five hundred to one thousand dollars, for any person to forge or counterfeit, or to pass or use any forged or counterfeited certificate of citizenship, or to sell or dispose of one.

It may fairly be presumed, that if this law should be carried into effect, it would exclude all British seamen from our service.

By requiring five years continued residence in the United States, as the condition of citizenship, few if any British seamen would ever take advantage of it. Such as had left Great Britain, and had resided five years in this country, would be likely to abandon the sea forever. And by making it the duty of the commanders of our publick, and of the collectors, in the case of private ships, to require an authenticated copy from the clerk of the court, before which a British subject, who offered his service, had been naturalized, as indispensable to his admission, and highly penal in either to take a person not duly qualified, and by allowing also British agents to object to any one offering his service, and to prosecute by suit the commander or collector, as the case might be, for receiving an improper person, it seems to be impossible that such should be received.

If the second alternative is adopted, that is, if all native British subjects are to be hereafter excluded from our service, it is important that the stipulation providing for it should operate so as not to affect those who have been already naturalized. By our law all the rights of natives are given to naturalized citizens. It is contended by some that these complete rights do not extend beyond the limits of the United States; that in naturalizing a foreigner; no state can absolve him from the obligation which he owes to his former government, and that he becomes a citizen in a qualified sense only. This doctrine, if true in any case, is less applicable to the United States than to any other

power. Expatriation seems to be a natural right, and by the original character of our institutions, founded by compact, on principle, and particularly by the unqualified investment of the adopted citizen with the full rights of the native, all that the United States could do, to place him on the same footing, has been done. In point of interest, the object is of little importance to either party. The number to be affected by the stipulation is inconsiderable; nor can that be a cause of surprise, when the character of that class of men is considered. It rarely happens that a seaman who settles on a farm, or engages in a trade, and pursues it for any length of time, returns to sea. His youthful days are exhausted in his first occupation. He leaves it with regret, and adopts another, either in consequence of marriage, of disease, or as an asylum for age.

To a stipulation which shall operate prospectively only, the same objection does not apply. In naturalizing foreigners, the United States may prescribe the limit to which their privileges shall extend. If it is made a condition that no native British subject, who may hereafter become a citizen, shall be employed in our publick or private ships, their exclusion will violate no right. Those who might become citizens afterwards would acquire the right subject to that condition, and would be bound by it. To such a stipulation the President is willing to assent, although he would much prefer the alternative of restraints on naturalization; and to prevent frauds, and to carry the same fully into effect, you are authorized to apply all the restraints and checks, with the necessary modifications, to suit the case, that are provided in the act above recited, relative to seamen, for the purposes of that act.

In requiring that the stipulation to exclude British seamen from our service, with the regulations for carrying it into effect, be made reciprocal, the President desires that you make a provision, authorizing the United States, if they should be so disposed, to dispense with the obligations imposed by it on American citizens. The liberal spirit of our government and laws, is unfriendly to restraints on our citizens, such at least as are imposed on British subjects, from becoming members of other societies. This has been shown in the law of the last session relative to seamen; to

which your particular attention has been already drawn. This provision may likewise be reciprocated if desired.

The President is not particularly solicitous that either of these alternatives (making the proposed reservation in case the latter be,) should be preferred. To secure the United States against impressment he is willing to adopt either. He expects in return, that a clear and distinct provision shall be made against the practice. The precise form in which it may be done is not insisted on, provided the import is explicit. All that is required is, that in consideration of the act to be performed on the part of the United States, the British government shall stipulate in some adequate manner, to terminate or forbear the practice of impressment from American vessels.

It has been suggested as an expedient mode, for the adjustment of this controversy, that British cruisers should have a right to search our vessels for British seamen, but that the commanders thereof should be subjected to penalties, in case they made mistakes, and took from them American citizens. By this the British government would acquire the right of search for seamen, with that of impressing from our vessels the subjects of all other powers. It will not escape your attention, that by admitting the right, in any case, we give up the principle, and leave the door open to every kind of abuse. The same objection is applicable to any, and every other arrangement, which withholds the respect due to our flag by not allowing it to protect the crew, sailing under it.

If the first alternative should be adopted, it will follow, that none of the British seamen who may be in the United States at the time the treaty takes effect, and who shall not have become citizens, will be admitted into our service, until they acquire that right.

If the second is adopted, the number of native British seamen, who have been naturalized, and will be admissible into our service, will not, it is believed, exceed a few hundred; all others who may be in the United States at the time the treaty takes effect, or who may arrive afterwards, will be excluded.

As a necessary incident to an adjustment on the principle of either alternative, it is expected, that all Ame-

rican seamen who have been impressed, will be discharged, and that those who have been naturalized under the British laws, by compulsive service, will be permitted to withdraw.

I have to repeat, that the great object which you have to secure, in regard to impressment, is, that our flag shall protect the crew; and, providing for this in a satisfactory manner, that you are authorized to secure Great Britain effectually against the employment of her seamen in the service of the United States. This it is believed would be done by the adoption of either of the above alternatives, and the application to that which may be adopted, of the checks contained in the law of the last session, relative to seamen; in aid of which, it will always be in the power of Great Britain to make regulations operating in her own ports, with a view to the same effect. To terminate, however, this controversy, in a manner satisfactory to both parties, the President is willing, should other checks be suggested as likely to be more effectual, consistent with the spirit of our constitution, that you should adopt them. The strong feature of the first alternative, which authorizes the naturalization of seamen, requires their continued residence in the United States for five years, as indispensable to the attainment of that right. In case this alternative be adopted, the President is willing, for example, to secure a compliance with that condition, to make it the duty of each alien, who may be desirous to become a citizen, to appear in court every year, for the term of five years, until his right shall be completed. This example is given, not as a limitation, but as an illustration of your power, for to the exclusion of British seamen from our service no repugnance is felt. To such exclusion the amicable adjustment of this controversy with Great Britain affords a strong motive, but not the only one. It is a growing sentiment in the United States, that they ought to depend on their own population for the supply of their ships of war, and merchant service. Experience has shown that it is an abundant resource. In expressing this sentiment, you will do it in a manner to inspire, more fully, a confidence, that the arrangement which you may enter into, will be carried faithfully into

effect, without derogating, however, from the conciliatory spirit of the accommodation.

A strong desire has heretofore been expressed by the British government, to obtain of the United States an arrangement to prevent the desertion of British seamen, when in our ports, and it cannot be doubted, that a stipulation to that effect would be highly satisfactory, as well as useful to Great Britain. It is fairly to be presumed, that it, alone, would afford to the British government a strong inducement to enter into a satisfactory arrangement of the difference relating to impressment. The claim is not inadmissible, especially as the United States have a reciprocal interest in the restoration of deserters from American vessels in British ports. You may therefore agree to an article, such as hath been heretofore authorized by the United States, which shall make it the duty of each party to deliver them up.

Of the right of the United States to be exempted from the degrading practice of impressment, so much has been already said, and with such ability, that it would be useless, especially to you, who are otherwise so well acquainted with it, to dilate on its merits. I must observe, however, that the practice is utterly repugnant to the law of nations; that it is supported by no treaty with any nation; that it was never acquiesced in by any; and that a submission to it by the United States would be the abandonment, in favour of Great Britain, of all claim to neutral rights and of all other rights on the ocean.

This practice is not founded on any belligerent right. The greatest extent to which the belligerent claim has been carried, over the vessels of neutral nations, is, to board and take from them persons in the land and sea service of an enemy, contraband of war, and enemy's property. All nations agree respecting the two first articles, but there has been, and still exists, a diversity of opinion as to the last. On that and other questions of considerable importance, disputes have arisen which are yet unsettled. The empress Catharine, of Russia, a distinguished advocate of just principles, placed herself, in 1780, at the head of neutral nations, in favour of a liberal construction of their rights; and her successors have generally

followed her example. In all the discussions on these topics, we find nothing of the British claim to impressment; no acknowledgment of it in any treaty, or proof of submission to it by any power. If instances have occurred, in which British cruisers have taken British seamen from the vessels of other nations, they were, as it is presumed, in cases either not acquiesced in, or of an extraordinary nature only, affording no countenance to their practice and pretension in relation to the United States. Cases of this kind, if such there be, afford no proof of a systematick claim in the British government to impressment, or of submission to it by other powers. This claim has been set up against the United States only, who have, in consequence thereof, been compelled to discuss its merits.

This claim is in fact traced to another source, the allegiance due by British subjects to their sovereign, and his right, by virtue thereof, to their service. This has been distinctly stated in a late declaration by the prince regent. Knowing the nature of the claim, we know also the extent of the right and obligations incident to it. Allegiance is a political relation between a sovereign and his people; it is the obligation which binds the latter in return for the protection which they receive. These reciprocal duties have the same limit, they are confined to the dominions of the sovereign, beyond which he has no rights, can afford no protection, and can of course claim no allegiance. A citizen or subject of one power, entering the dominions of another, owes allegiance to the latter in return for the protection he receives. Whether a sovereign has a right to claim the service of such of his subjects as have left his own dominions, is a question respecting which also a difference of opinion may exist. It is certain that no sovereign has a right to pursue his subjects into the territories of another, be the motive for it what it may; such an entry, without the consent of the other power, would be a violation of its territory and an act of hostility. Offenders, even conspirators, cannot be pursued by one power into the territory of another, nor are they delivered up by the latter, except in compliance with treaties or by favour. That the vessels of a nation are considered a part of its

territory, with the exception of the belligerent right only, is a principle too well established to be brought into discussion. Each state has exclusive jurisdiction over its own vessels ; its laws govern in them, and offences against those laws are punishable by its tribunals only. The flag of a nation protects every thing sailing under it in time of peace, and in time of war likewise, with the exception of the belligerent rights, growing out of the war. An entry on board the vessels of one power by the cruisers of another, in any other case, and the exercise of any other authority over them, is a violation of right, and an act of hostility.

The British government, aware of the truth of this doctrine, has endeavoured to avoid its consequences in the late declaration of the prince regent.

It has not contended that British cruisers have a right to pursue and search our vessels for British seamen. It asserts only that they have a right to search them for other objects, and being on board for a lawful cause, and finding British seamen there, that they have a right to impress and bring them away under the claim of allegiance. When we see a systematick pursuit of our vessels by British cruisers, and the impressment of seamen from them, not at a port of the enemy where a regular blockade had been instituted, and by the blockading squadron, but in every part of the ocean, on our coast, and even in our harbours, it is difficult to believe that impressment is not the real motive, and the other the pretext for it. But to place this argument of the British government on the strongest ground, let it be admitted that the entry was lawful, is it so to commit an act not warranted by the purpose for which the entry was made? There is a levity in this argument which neither suits the parties nor the subject. The British government founds its right of impressment from our ships on that of allegiance, which is a permanent right, equally applicable to peace and war. The right of impressment, therefore, from the vessels of other powers must likewise be permanent, and equally applicable to peace and war. It would not, however, take this broad ground, lest the injustice and extravagance of the pretension might excite the astonishment and indigna-

tion of other powers, to whom it would be equally applicable. To claim it as a belligerent right would have been equally unjust and absurd, as no trace of it could be found in the belligerent code. The British government was, therefore, reduced to a very embarrassing dilemma: To acknowledge that it could not support the claim on either principle, would be to relinquish it, and yet it could rely on neither. It endeavoured to draw some aid from both. A state of war exists which brings the parties together, Great Britain as a belligerent, and the United States as a neutral power. British officers have now a right to board and search American vessels, but for what? Persons in the service of an enemy, contraband of war, or enemy's property. This would not accomplish the end. It is, however, the utmost limit of the belligerent right. Allegiance, which is an attribute of sovereignty, comes to her aid and communicates all the necessary power; the national character of the neutral vessel ceases; the complete right of sovereignty and jurisdiction over it is transferred to Great Britain. It is on this foundation that the British government has raised this monstrous superstructure. It is with this kind of argument that it attempts to justify its practice of impressment from our vessels.

The remark contained in the declaration of the prince regent, that in impressing British seamen from American vessels, Great Britain exercised no right which she was not willing to acknowledge as appertaining equally to the government of the United States, with respect to American seamen in British merchant ships, proves only, that the British government is conscious of the injustice of the claim, and desirous of giving to it such aid as may be derived from a plausible argument. The semblance of equality, however, in this proposition, which strikes at first view, disappears on a fair examination. It is unfair, first, because it is impossible for the United States to take advantage of it. Impressment is not an American practice, but utterly repugnant to our constitution and laws. In offering to reciprocate it, nothing was offered, as the British government well knew. It is unfair, secondly, because if impressment was allowable, a reciprocation of the practice would be no equivalent to the United States.

The exercise of a right in common, at sea, by two nations, each over the vessels of the other, the one powerful and the other comparatively weak, would be, to put the latter completely at the mercy of the former. Great Britain, with her vast navy, would soon be the only party which made impressment. The United States would be compelled to abstain from it, and either submit to the British rule, with all the abuses incident to power, or to resist it. But should the United States be permitted to make impressment from British vessels, the effect would be unequal. Great Britain has, perhaps, thirty ships of war at sea, to one of the United States, and would profit of the arrangement in that proportion. Besides, impressment is a practice incident to war, in which view, likewise, the inequality is not less glaring, she being at least thirty years at war, to one of the United States. Other considerations prove that the British government made this acknowledgment merely as a pretext to justify its practice of impressment, without intending that the right of practice should ever be reciprocated. What would be the effect of its adoption by American ships of war with British merchant vessels? An American officer boards a British merchant vessel, and claims, as American citizens, whom he pleases. How many British seamen would disclaim a title which would take them to the United States, and secure them there all the advantages of citizenship? The rule of evidence, as the ground of impressment in every instance, must likewise be reciprocated between the two governments. The acknowledgment of the men would surely be a better proof of their national character than the decision of a British officer who boarded an American vessel, however impartial he might be and strong his power of discrimination, when opposed by the voluntary and solemn declaration of the party. In this way we might draw from the British service the greater part, if not all their seamen. I might further ask, why was this acknowledgment made at this late period, for the first time only, after the declaration of war, and when on that account it could produce no effect? In the various discussions of this subject, in many of which it has been demanded whether the British government would tolerate such a practice

from American ships of war, no such intimation was ever given.

If Great Britain had found the employment of her seamen in our service injurious to her, and been disposed to respect our rights, the regular course of proceeding would have been for her government to have complained to the government of the United States of the injury, and to have proposed a remedy. Had this been done, and no reasonable remedy been adopted, sound in principle and reciprocal in its operation, the British government might have had some cause of complaint, and some plea for taking the remedy into its own hands. Such a procedure would, at least, have given to its claim of impressment the greatest plausibility. We know that such complaint was never made, except in defence of the practice of impressment, and that in the mean time the practice has gone on, and grown into an usage, which, with all its abuses, had resistance been longer delayed, might have become a law. The origin and progress of this usurpation afford strong illustrations of the British policy. The practice and the claim began together, soon after the close of our revolutionary war, and were applicable to deserters only. They extended next to all British seamen ;—then to all British subjects, including, as in the case of emigrants from Ireland, persons who would not have been subject to impressment in British ports, not being seafaring men ;—and, finally, to Swedes, Danes, and others, known to be not British subjects, and by their protections appearing to be naturalized citizens of the United States.

Other views may be taken of the subject, to show the unlawfulness and absurdity of the British claim. If British cruisers have a right to take British seamen from our vessels, without regarding the abuses inseparable from the practice, they may take from them, on the same principle, and with much greater reason, every species of property to which the British government has any kind of claim. Allegiance cannot give to a sovereign a better right to take his subjects than ownership to take his property. There would be no limit to this pretension or its consequences. All property forfeited by exportation, contrary to the laws of Great Britain, every article to which her sovereignty, jurisdiction, or ownership would extend, in British vessels,

would be liable to seizure in those of the United States. The laws of England would be executory in them. Instead of being a part of the American, they would become a part of the British territory.

It might naturally be expected that Great Britain would have given, by her conduct, some support to her pretensions; that if she had not disclaimed altogether the principle of naturalization, she would at least have excluded from her service foreign seamen. Her conduct, however, has been altogether at variance with her precepts. She has given great facility to naturalization, in all instances where it could advance her interest, and peculiar encouragement to that of foreign seamen. She naturalizes by special act of parliament. She naturalizes all persons who reside a certain term of years in British colonies; all those who are born of British subjects in foreign dominions; and all seamen who have served a certain short term in the British service; and would doubtless protect all such as British subjects, if required by them so to do. Her governours of neighbouring provinces are at this time compelling emigrants thither from the United States, to bear arms against the United States.

The mediation offered by Russia, presents to Great Britain, as well as to the United States, a fair opportunity of accommodating this controversy with honour. The interposition of so distinguished a power, friendly to both parties, could not be declined by either on just ground, especially by Great Britain, between whom and Russia there exists, at this time, a very interesting relation. When the British ministers are made acquainted at St. Petersburg with the conditions on which you are authorized to adjust this difference, it seems as if it would be impossible for Great Britain to decline them. Should she do it, still adhering to her former pretensions, her motive could not be misunderstood. The cause of the United States would thenceforward become the common cause of nations. A concession by them would operate to the disadvantage of every other power. They would all find, in the conduct of Great Britain, an unequivocal determination to destroy the rights of other flags, and to usurp the absolute dominion of the ocean. It is to be presumed that the British government will find it neither

for the honour or interest of Great Britain to push things to that extremity, but will have accepted this mediation, and have sent a minister or ministers to St. Petersburg, with full powers to adjust the controversy on fair and just conditions.

Should improper impressions have been taken of the probable consequences of the war, you will have ample means to remove them. It is certain, that from its prosecution, Great Britain can promise to herself no advantage, while she exposes herself to great expenses, and to the danger of still greater losses. The people of the United States, accustomed to the indulgence of a long peace, roused by the causes and the progress of the war, are rapidly acquiring military habits, and becoming a military people. Our knowledge in naval tactics has increased, as has our maritime strength. The gallantry and success of our little navy, have formed an epoch in naval history. The laurels which these brave men have gained, not for themselves alone, but for their country, from an enemy pre-eminent in naval exploits for ages past, are among the proudest boasts of their grateful and affectionate fellow citizens. Our manufactures have taken an astonishing growth. In short, in every circumstance in which the war is felt, its pressure tends evidently to unite our people, to draw out our resources, to invigorate our means, and to make us more truly an independent nation, and, as far as may be necessary, a great maritime power.

If the British government accepts the mediation of Russia, with a sincere desire to restore a good intelligence between the two countries, it may be presumed that a fair opportunity will be afforded for the arrangement of many other important interests, with advantage to both parties. The adjustment of the controversy relating to impressment only, though very important, would leave much unfinished. Almost every neutral right has been violated, and its violation persisted in to the moment that war was declared. The President sincerely desires, and it is doubtless for the interest of Great Britain, to prevent the like in future. The interposition of the emperor of Rus-

sia to promote an accommodation of these differences, is deemed particularly auspicious.

A strong hope is therefore entertained, that full powers will be given to the British commissioners to arrange all these grounds of controversy in a satisfactory manner. In entering on this interesting part of your duty, the first object which will claim your attention, is that of blockade. The violation of our neutral rights, by illegal blockades, carried to an enormous extent by orders in council, was a principal cause of the war. These orders, however, and with them the blockade of May, 1806, and, as is understood, all other illegal blockades, have been repealed, so that that cause of war has been removed. All that is now expected is, that the British government will unite in a more precise definition of blockade, and in this no difficulty is anticipated; for, having declared that no blockade would be legal which was not supported by an adequate force, and that the blockades which it might institute should be supported by an adequate force, there appears to be, according to the just interpretation of these terms, no difference of opinion on the subject.

The British government has recently, in two formal acts, given definitions of blockade, either of which would be satisfactory. The first is to be seen in a communication from Mr. Merry to this department, bearing date on the 12th of April, 1804. The following are the circumstances attending it. Commodore Hood, the commander of a British squadron in the West Indies, in 1803, having declared the islands of Martinique and Guadaloupe in a state of blockade, without applying an adequate force to maintain it, the Secretary of State remonstrated against the illegality of the measure, which remonstrance was laid before the lords commissioners of the admiralty in England, who replied, "that they had sent orders not to consider any blockade of those islands as existing, unless in respect of particular ports, which might be actually invested, and then not to capture vessels, bound to such ports, unless they shall previously have been warned not to enter them." The second definition is to be found in a convention between Great Britain and Russia, in June, 1801, 4th sec. 3d art. which declares, "that in

order to determine what characterizes a blockaded port, that denomination is given only to a port where there is, by the disposition of the power which attacks it, with ships stationary or sufficiently near, an evident danger in entering." The President is willing for you to adopt either of these definitions, but prefers the first, as much more precise and determinate; and when it is considered that it was made the criterion by so formal an act, between the two governments, it cannot be presumed, that the British government will object to the renewal of it. Nothing is more natural after the differences which have taken place between the two countries, on this and other subjects, and the departure from this criterion by Great Britain, for reasons which are admitted by her no longer to exist, than that they should, on the restoration of a good understanding, recur to it again. Such a recurrence would be the more satisfactory to the President, as it would afford a proof of a disposition in the British government, not simply to compromise a difference, but to re-establish sincere friendship between the two nations.

An interference with our commerce between enemy colonies and their parent country, was among the first violations of our neutral rights committed by Great Britain in the present war with France. It took place in 1805, did extensive injury, and produced universal excitement. In securing us against a repetition of it, you will attend to an article of the convention between Russia and Great Britain, entered into on the — day of —, 1801; to the 11th article of the project of a treaty with Great Britain that was signed by Mr. Monroe and Mr. Pinkney, on the 31st of December, 1806; and to the instructions from this department relating to that article, of the 20th May 1807. The capture by Great Britain, of almost all the islands of her enemies, diminishes the importance of any regulation of this subject; but as they may be restored by a treaty of peace, it merits particular attention: It being understood, however, that unless such a trade can be obtained in a proper extent, and without a relinquishment of the principle contended for by the United States, it will be best that the treaty be silent on the subject.

A disposition has been shown by the British government to extend this principle so far as to inhibit a trade to neutrals even between a power at peace with Great Britain and her enemy, as, for example, between China and France. The absurdity of this pretension may prevent its being hereafter advanced. It will not, however, be unworthy of your attention.

By an order of the British government in 1803, British cruisers were authorized to take neutral vessels laden with innocent articles, on their return from an enemy's port, on the pretence that they had carried to such port contraband of war. This order is directly repugnant to the law of nations, as the circumstance of having contraband articles on board bound to an enemy's port, is the only legal ground of seizure. The claim was relinquished by the British government in the 9th article of the project above recited; you will endeavour in like manner to provide against it. It is the practice of British cruisers to compel the commanders of neutral vessels which they meet at sea, either to board them in person with their papers, or to send their papers on board in their own boats by an officer. The injustice and irregularity of this procedure need not be mentioned. You will endeavour to suppress it in the manner proposed in the third article of a project communicated to Mr. Monroe at London in his instructions of the 5th January, 1804. You will endeavour likewise to restrict contraband of war, as much as in your power, to the list contained in the 4th article of that project.

The pretension of Great Britain to interdict the passage of neutral vessels with their cargoes from one port to another port of an enemy, is illegal and very injurious to the commerce of neutral powers. Still more unjustifiable is the attempt to interdict their passage from a port of one independent nation to that of another, on the pretence that they are both enemies. You will endeavour to obtain, in both instances, a security for the neutral right.

Upon the whole subject I have to observe, that your first duty will be to conclude a peace with Great Britain, and that you are authorized to do it, in case you obtain a satisfactory stipulation against impressment, one which

shall secure, under our flag, protection to the crew. The manner in which it may be done has been already stated, with the reciprocal stipulations which you may enter into, to secure Great Britain against the injury of which she complains. If this encroachment of Great Britain is not provided against, the United States have appealed to arms in vain. If your efforts to accomplish it should fail, all further negotiations will cease, and you will return home without delay. It is possible that some difficulty may occur, in arranging this article respecting its duration. To obviate this the President is willing that it be limited to the present war in Europe. Resting, as the United States do, on the solid ground of right, it is not presumable that Great Britain, especially after the advantage she may derive from the arrangement proposed, would ever revive her pretension. In forming any stipulation on this subject, you will be careful not to impair by it the right of the United States, or to sanction the principle of the British claim.

It is deemed highly important, also, to obtain a definition of the neutral rights which I have brought to your view, especially of blockade, and in the manner suggested, but it is not to be made an indispensable condition of peace.

After the repeal of the orders in council, and other illegal blockades, and the explanations attending it, it is not presumable that Great Britain will revive them. Should she do it, the United States will always have a corresponding resort in their own hands. You will observe in every case, in which you may not be able to obtain a satisfactory definition of the neutral right, that you enter into none respecting it.

Indemnity for losses seems to be a fair claim on the part of the United States, and the British government, if desirous to strengthen the relations of friendship, may be willing to make it. In bringing the claim into view, you will not let it defeat the primary objects entrusted to you. It is not perceived on what ground Great Britain can resist this claim, at least in the cases in favour of which she stands pledged. Of these a note will be added.

You are at liberty to stipulate in the proposed treaty, the same advantages in the ports of the United States, in favour of British ships of war, that may be allowed to those of the most favoured nations. This stipulation must be reciprocal.

No difficulty can arise from the case of the non-importation act, which will doubtless be terminated in consequence of a pacification. Should any stipulation to that effect be required, or found advantageous, you are at liberty to enter into it. Should peace be made, you may, in fixing the periods at which it shall take effect, in different latitudes and distances, take for the basis, the provisional articles of the treaty of peace with Great Britain, in 1782, with such alterations as may appear to be just and reasonable.

In discharging the duties of the trust committed to you, the President desires that you will manifest the highest degree of respect for the emperor of Russia, and confidence in the integrity and impartiality of his views. In arranging the question of impressment, and every question of neutral right, you will explain to his government, without reserve, the claims of the United States, with the ground on which they severally rest. It is not doubted that from a conduct so frank and honourable, the most beneficial effect will result.

I shall conclude by remarking, that a strong hope is entertained, that this friendly mediation of the emperor Alexander, will form an epoch in the relations between the United States and Russia, which will be extensively felt, and be long and eminently distinguished by the happy consequences attending it. Since 1780, Russia has been the pivot on which all questions of neutral right have essentially turned. Most of the wars which have disturbed the world in modern times, have originated with Great Britain and France. These wars have affected distant countries, especially in their character as neutrals, and very materially the United States, who took no part in promoting them, and had no interest in the great objects of either power.

I have the honour to be, &c. &c.

JAMES MONROE.

*Extract of a Letter from the Secretary of State to the Commissioners of the United States for treating of Peace with Great Britain. Department of State, June 23, 1813.*

"An opportunity offering, I avail myself of it to explain more fully the views of the President on certain subjects, already treated on in your instructions, and to communicate his sentiments on some others, not adverted to in them.

"The British government having repealed the orders in council and the blockade of May, 1806, and all other illegal blockades, and having declared that it would institute no blockade which should not be supported by an adequate force, it was thought better to leave that question on that ground, than to continue the war to obtain a more precise definition of blockade, after the other essential cause of the war, that of impressment, should be removed. But when it is considered that a stipulated definition of blockade will cost Great Britain nothing after having thus recognised the principle, and that such definition is calculated to give additional confidence, in the future security of our commerce, it is expected that she will agree to it. It is true, this cause of war being removed, the United States are under no obligation to continue it, for the want of such stipulated definition, more especially as they retain in their hands the remedy against any new violation of their rights, whenever made. The same remark is applicable to the case of impressment, for if the British government had issued orders to its cruisers not to impress seamen from our vessels, and notified the same to this government, that cause of war would also have been removed. In making peace it is better for both nations, that the controversy respecting the blockade, should be arranged by treaty, as well as that respecting impressment. The omission to arrange it may be productive of injury. Without a precise definition of blockade, improper pretensions might be set up on each side, respecting their rights, which might possibly hazard the future good understanding between the two countries.

"Should a restitution of territory be agreed on, it will be proper for you to make a provision for settling the boundary between the United States and Great Britain on the St. Lawrence and the lakes, from the point at which the line between them strikes the St. Lawrence, to the north western corner of the Lake of the Woods, according to the principles of the treaty of peace. The settlement of this boundary is important, from the circumstance that there are several islands in the river and lakes, of some extent and great value, the dominion over which is claimed by both parties. It may be an advisable course to appoint commissioners on each side, with full powers to adjust, on fair and equitable considerations, this boundary. To enable you to adopt a suitable provision for the purpose, it will be proper for you to recur to the instructions heretofore given on the subject, published in the documents in your possession."

*Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at St. Petersburg. Department of State, January 1, 1814.*

GENTLEMEN,—I have not received a letter from you since your appointment to meet ministers from Great Britain, at St. Petersburg, to negotiate a treaty of peace, under the mediation of the emperor of Russia. This is doubtless owing to the miscarriage of your despatches.

The message of the President, of which I have the honour to transmit to you a copy, will make you acquainted with the progress of the war with Great Britain, to that period, and the other documents which are forwarded, will communicate what has since occurred.

Among the advantages attending our success in Upper Canada, was the important one of making capture of general Proctor's baggage, with all the publick documents belonging to the British government in his possession. It is probable that these documents will be laid before Congress, as they are of a nature highly interesting to the publick. You will understand their true character by extracts of two letters from governour Cass, which are enclosed to you. By these it appears that the British government has

exercised its influence over the Indian tribes within our limits, as well as elsewhere, in peace, for hostile purposes towards the United States; and that the Indian barbarities, since the war, were, in many instances, known to, and sanctioned by, the British government.

I have the honour to be, &c. &c. &c.

JAMES MONROE.

*Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at St. Petersburg. Department of State, January 8, 1814.*

GENTLEMEN,—I have the honour to transmit to you a copy of a letter from lord Castlereagh to this department, and of a note from lord Cathcart to the Russian government, with my reply to the communication.

The arrangement of a negotiation to be held at Gottenburg, directly between the United States and Great Britain, without the aid of the Russian mediation, makes it necessary that new commissions should be issued correspondent with it, and for this purpose that a new nomination should be made to the Senate. The President instructs me to inform you, that you will both be included in it, and that he wishes you to repair, immediately on the receipt of this, to the appointed rendezvous. It is probable that the business may not be limited to yourselves on account of the great interests involved in the result. The commissions and instructions will be duly forwarded to you, as soon as the arrangements shall be finally made.

In taking leave of the Russian government, you will be careful to make known to it the sensibility of the President to the friendly disposition of the emperor, manifested by the offer of his mediation; the regret felt at its rejection by the British government; and a desire that, in future, the greatest confidence and cordiality, and the best understanding may prevail between the two governments.

I have the honour to be, &c. &c. &c.

JAMES MONROE.

*Mr. Monroe, Secretary of State, to the American Plenipotentiaries at Gottenburg. Department of State, January 28, 1814.*

**GENTLEMEN,**—The British government having declined the Russian mediation, and proposed to treat directly with the United States, the President has, on due consideration, thought proper to accept the overture. To give effect to this arrangement, it was necessary that a new commission should be formed, and for that purpose that a new nomination should be made to the Senate, by whose advice and consent this important trust is committed to you.

You will consider the instructions given to the commission to treat under the mediation of Russia, as applicable to the negotiation with which you are now charged, except as they may be modified by this letter.

I shall call your attention to the most important grounds of the controversy with Great Britain only, and make such remarks on each, and on the whole subject, as have occurred since the date of the former instructions, and are deemed applicable to the present juncture, taking into view the negotiation in which you are about to engage.

On impressment, as to the right of the United States to be exempted from it, I have nothing new to add. The sentiments of the President have undergone no change on that important subject. This degrading practice must cease; our flag must protect the crew, or the United States cannot consider themselves an independent nation. To settle this difference amicably, the President is willing, as you are already informed by the former instructions, to remove all pretexts for it, to the British government, by excluding all British seamen from our vessels, and even to extend the exclusion to all British subjects, if necessary, excepting only the few already naturalized, and to stipulate likewise, the surrender of all British seamen deserting in our ports in future from British vessels, publick or private. It was presumed by all dispassionate persons, that the late law of Congress relative to seamen would effectually accomplish the object. But the President is willing, as you find, to prevent a possibility of failure, to go further.

Should a treaty be made, it is proper, and would have a conciliatory effect, that all our impressed seamen who may be discharged under it, should be paid for their services by the British government, for the time of their detention, the wages which they might have obtained in the merchant service of their own country.

Blockade is the subject next in point of importance, which you will have to arrange. In the instructions bearing date on the 15th of April, 1813, it was remarked, that as the British government had revoked its orders in council, and agreed that no blockade could be legal which was not supported by an adequate force, and that such adequate force should be applied to any blockade which it might thereafter institute, this cause of controversy seemed to be removed. Further reflection, however, has added great force to the expediency and importance of a precise definition of the public law on this subject. There is much cause to presume, that if the repeal of the orders in council had taken place in time to have been known here before the declaration of war, and had had the effect of preventing the declaration, not only that no provision would have been obtained against impressment, but that under the name of blockade, the same extent of coast would have been covered by proclamation as had been covered by the orders in council. The war, which these abuses and impressment contributed so much to produce, might possibly prevent that consequence. But it would be more satisfactory, if not more safe, to guard against it by a formal definition in the treaty. It is true, should the British government violate again the legitimate principles of blockade, in whatever terms, or under whatever pretext it might be done, the United States would have in their hands a correspondent resort; but a principal object in making peace is to prevent, by the justice and reciprocity of the conditions, a recurrence again to war, for the same cause. If the British government sincerely wishes to make a durable peace with the United States, it can have no reasonable objection to a just definition of blockade, especially as the two governments have agreed in their correspondence, in all its essential features. The instructions of the 15th of

April, 1813, have stated in what manner the President is willing to arrange this difference.

On the other neutral rights, enumerated in the former instructions, I shall remark only, that the catalogue is limited in a manner to evince a spirit of accommodation; that the arrangement proposed in each instance is just in itself; that it corresponds with the general spirit of treaties between commercial powers, and that Great Britain has sanctioned it in many treaties, and gone beyond it in some.

On the claim to indemnity for spoliation, I have only to refer you to what was said in the former instructions. I have to add, that should a treaty be formed, it is just in itself, and would have a happy effect on the future relations of the two countries, if indemnity should be stipulated on each side, for the destruction of all unfortified towns, and other private property, contrary to the laws and usages of war. It is equally proper that the negroes taken from the southern states, should be returned to their owners, or paid for at their full value. It is known that a shameful traffick has been carried on in the West Indies, by the sale of these persons there, by those who professed to be their deliverers. Of this fact, the proof which has reached this department shall be furnished you. If these slaves are considered as non-combatants, they ought to be restored: if, as property, they ought to be paid for. The treaty of peace contains an article, which recognises this principle.

In the view which I have taken of the conditions on which you are to insist, in the proposed negotiations, you will find, on a comparison of them with those stated in the former instructions, that there is no material difference between them, the two last mentioned claims to indemnity excepted, which have originated since the date of those instructions. The principal object of this review has been to show, that the sentiments of the President, are the same in every instance, and that the reasons for maintaining them have become more evident and strong since the date of those instructions.

In accepting the overture of the British government to treat independently of the Russian mediation, the United

States have acted on principles which governed them in every transaction relating to peace since the war. Had the British government accepted the Russian mediation, the United States would have treated for themselves, independently of any other power, and had Great Britain met them on just conditions, peace would have been the immediate result. Had she refused to accede to such conditions, and attempted to dictate others, a knowledge of the views of other powers on those points might have been useful to the United States. In agreeing to treat directly with Great Britain, not only is no concession contemplated, on any point in controversy, but the same desire is cherished to preserve a good understanding with Russia, and the other Baltick powers, as if the negotiation had taken place under the mediation of Russia.

It is probable that the British government may have declined the Russian mediation, from the apprehension of an understanding between the United States and Russia, for very different purposes from those which have been contemplated, in the hope that a much better treaty might be obtained of the United States, in a direct negotiation, than could be obtained under the Russian mediation, and with a view to profit, of the concessions which might thus be made by the United States, in future negotiations with the Baltick powers. If this was the object of the British government, and it is not easy to conceive any other, it clearly proves the advantage to be derived in the proposed negotiation, from the aid of those powers, in securing from the British government, such conditions as would be satisfactory to all parties. It would be highly honourable as well as advantageous to the United States, if the negotiation with which you are charged, should terminate in such a treaty.

I have the honour to be, &c. &c.

JAMES MONROE.

*Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at Gottenburg. Department of State, Jan. 30, 1814.*

GENTLEMEN,—In addition to the claims to indemnity, stated in your preceding instructions, I have to request your attention to the following, to which it is presumed there can be no objection.

On the declaration of war by the United States, there happened to be, in the ordinary course of commerce, several American vessels and cargoes in the ports of Great Britain, which were seized and condemned; and, in one instance, an American ship which fled from Algiers, in consequence of the declaration of war by the dey, to Gibraltar, with the American consul and some publick stores on board, shared a like fate.

After the declaration of war, Congress passed an act, allowing to British subjects six months, from the date of the declaration, to remove their property out of the United States, in consequence of which many vessels were removed with their cargoes. I add, with confidence, that, on a liberal construction of the spirit of the law, some vessels were permitted to depart, even after the expiration of the term specified in the law. I will endeavour to put in your possession a list of these cases. A general reciprocal provision, however, will be best adapted to the object in view.

I have the honour to be, &c. &c. &c.

JAMES MONROE.

*From the Secretary of State, to the Commissioners of the United States, for treating with Great Britain. Department of State, Feb. 10, 1814.*

GENTLEMEN,—Should you conclude a treaty and not obtain a satisfactory arrangement of neutral rights, it will be proper for you to provide that the United States shall have advantage of any stipulations more favourable to neutral nations, that may be established between Great Britain and other powers. A precedent for such a pro-

vision is found in a declaratory article between Great Britain and Russia, bearing date on the 8th October, 1801, explanatory of the 2d section, 3d article, of a convention concluded between them on the 5th of June of the same year.

I have the honour to be, &c.

JAMES MONROE.

*Extract of a Letter from the Secretary of State, to the Commissioners of the United States for treating with Great Britain. Department of State, February 14, 1814.*

“ I RECEIVED last night your letter of the 15th October, with extracts of letters from Mr. Adams and Mr. Harris, of the 22d and 23d of November.

“ It appears that you had no knowledge at the date, even of the last letter, of the answer of the British government, to the offer which had been made to it, a second time, of the Russian mediation. Hence it is to be inferred that the proposition made to this government by the Bramble was made not only without your knowledge, but without the sanction, if not without the knowledge, of the emperor. Intelligence from other sources, strengthens this inference. If this view of the conduct of the British government is well founded, the motive for it cannot be mistaken. It may fairly be presumed that it was to prevent a good understanding and concert between the United States and Russia and Sweden, on the subject of neutral rights, in the hope that by drawing the negotiation to England, and depriving you of an opportunity of a free communication with those powers, a treaty less favourable to the United States might be obtained, which might afterwards be used with advantage by Great Britain in her negotiations with those powers.

By an article in the former instructions, you were authorized in making a treaty to prevent impressment from our vessels, to stipulate, provided a certain specified term could not be agreed on, that it might continue in force for the present war in Europe only. At that time it seemed

probable that the war might last many years. Recent appearances, however, indicate the contrary. Should peace be made in Europe, as the practical evil of which we complain in regard to impressment would cease, it is presumed that the British government would have less objection to a stipulation to forbear that practice for a specified term, than it would have, should the war continue. In concluding a peace with Great Britain, even in case of a previous general peace in Europe, it is important to the United States to obtain such a stipulation."

*Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at Gottenburg. Department of State, March 21, 1814.*

GENTLEMEN,—By the cartel Chauncey you will receive this, with duplicates of the commission to treat with Great Britain; and of the instructions and other documents that were forwarded by the John Adams. This vessel is sent to guard against any accident that might attend the other.

If a satisfactory arrangement can be concluded with Great Britain, the sooner it is accomplished the happier for both countries. If such an arrangement cannot be obtained, it is important for the United States to be acquainted with it without delay. I hope, therefore, to receive from you an account of the state of the negotiation and its prospects, as soon as you may be able to communicate any thing of an interesting nature respecting them.

I have the honour to be, &c.

JAMES MONROE.

*Mr. Monroe to the Envoys Extraordinary and Ministers Plenipotentiary of the United States. Department of State, June 25, 1814.*

GENTLEMEN,—No communication has been received from the joint mission which was appointed to meet the commissioners of the British government, at Gottenburg. A letter from Mr. Bayard, at Amsterdam, of the 18th of

March, was the last from either of our commissioners. It was inferred, from that letter, and other communications, that Mr. Bayard, Mr. Gallatin, and Mr. Adams, would be in Gottenburg,—and it has been understood, from other sources, that Mr. Clay and Mr. Russell had arrived there about the 15th of April. It is therefore expected, that a meeting will have taken place in May, and that we shall soon be made acquainted with your sentiments of the probable result of the negotiation.

It is impossible, with the lights which have reached us, to ascertain the present disposition of the British government towards an accommodation with the United States. We think it probable that the late events in France may have had a tendency to increase its pretensions.

At war with Great Britain, and injured by France, the United States have sustained the attitude founded on those relations. No reliance was placed on the good offices of France, in bringing the war with Great Britain to a satisfactory conclusion. Looking steadily to an honourable peace, and the ultimate attainment of justice from both powers, the President has endeavoured, by a consistent and honourable policy, to take advantage of every circumstance that might promote that result. He, nevertheless, knew that France held a place in the political system of Europe and of the world, which, as a check on England, could not fail to be useful to us. What effect the late events may have had, in these respects, is the important circumstance of which you are doubtless better informed than we can be.

The President accepted the mediation of Russia, from a respect for the character of the emperor, and a belief that our cause, in all the points in controversy, would gain strength by being made known to him. On the same principle, he preferred (in accepting the British overture, to treat independently of the Russian mediation) to open the negotiation on the continent, rather than at London.

It was inferred from the general policy of Russia, and the friendly sentiments and interposition of the emperor, that a respect for both would have much influence, with the British cabinet, in promoting a pacifick policy towards us. The manner, however, in which it is understood that

a general pacification is taking place; the influence Great Britain may have in modifying the arrangements involved in it; the resources she may be able to employ exclusively against the United States; and the uncertainty of the precise course which Russia may pursue in relation to the war between the United States and Great Britain, naturally claim attention, and raise the important question, in reference to the subject of impressment, on which it is presumed your negotiations will essentially turn, whether your powers ought not to be enlarged, so as to enable you to give to those circumstances all the weight to which they may be entitled. On full consideration, it has been decided, that in case no stipulation can be obtained from the British government at this moment, when its pretensions may have been much heightened by recent events, and the state of Europe be most favourable to them, either relinquishing the claim to impress from American vessels, or discontinuing the practice, even in consideration of the proposed exclusion from them of British seamen, you may concur in an article, stipulating, that the subject of impressment, together with that of commerce between the two countries, be referred to a separate negotiation, to be undertaken without delay, at such place as you may be able to agree on, preferring this city, if to be obtained. I annex, at the close of this letter, a project of an article, expressing, more distinctly, the idea which it is intended to communicate, not meaning thereby to restrain you in any respect as to the form. Commerce and seamen, the objects of impressment, may, with great propriety, be arranged in the same instrument. By stipulating that commissioners shall forthwith be appointed for the purpose, and that all rights on this subject shall, in the mean time, be reserved, the faith of the British government will be pledged to a fair experiment, in an amicable mode, and the honour and rights of the United States secured. The United States having resisted, by war, the practice of impressment, and continued the war until that practice had ceased, by a peace in Europe, their object has been essentially obtained for the present. It may reasonably be expected, that the arrangement contemplated and provided for, will take effect before a new war in Europe shall

furnish an occasion for reviving the practice. Should this arrangement, however, fail, and the practice be again revived, the United States will be again at liberty to repel it by war; and that they will do so cannot be doubted: for after the proof which they have already given of a firm resistance, in that mode, persevered in until the practice had ceased, under circumstances the most unfavourable, it cannot be presumed, that the practice will ever be tolerated again. Certain it is, that every day will render it more ineligible in Great Britain to make the attempt.

In contemplating the appointment of commissioners, to be made after the ratification of the present treaty, to negotiate and conclude a treaty to regulate commerce and provide against impressment, it is meant only to show the extent to which you may go, in a spirit of accommodation, if necessary. Should the British government be willing to take the subject up immediately with you, it would be much preferred, in which case the proposed article would, of course, be adapted to the purpose.

Information has been received from a quarter deserving attention, that the late events in France have produced such an effect on the British government, as to make it probable that a demand will be made at Gottenburg, to surrender our right to the fisheries, to abandon all trade beyond the Cape of Good Hope, and to cede Louisiana to Spain. We cannot believe that such a demand will be made; should it be, you will of course treat it as it deserves. These rights must not be brought into discussion. If insisted on, your negotiations will cease.

I have the honour to be, &c.

JAMES MONROE.

“WHEREAS by the peace in Europe, the essential causes of the war between the United States and Great Britain, and particularly the practice of impressment, have ceased, and a sincere desire exists to arrange, in a manner satisfactory to both parties, all questions concerning seamen; and it is also their desire and intention to arrange, in a like satisfactory manner, the commerce between the two countries, it is therefore agreed, that commissioners shall

forthwith be appointed on each side, to meet at —— with full power to negotiate and conclude a treaty, as soon as it may be practicable, for the arrangement of those important interests. It is nevertheless understood, that until such treaty be formed, each party shall retain all its rights, and that all American citizens who have been impressed into the British service shall be forthwith discharged."

*Extract of a Letter from the Secretary of State to the Commissioners of the United States for Treating of Peace with Great Britain. Department of State, June 27, 1814.*

"THE omission to send ministers to Gottenburg without a previous and official notification of the appointment and arrival there of those of the United States, a formality, which, if due from either party, might have been expected from that making the overture, rather than that accepting it, is a proof of a dilatory policy, and would, in other respects, justify animadversions, if there was less disposition here to overlook circumstances of form, when interfering with more substantial objects.

"By my letter of the 25th inst. which goes with this, you will find that the subject had already been acted on under similar impressions with those which Mr. Bayard and Mr. Gallatin's letter could not fail to produce. The view, however, presented by them is much stronger, and entitled to much greater attention. The President has taken the subject into consideration again, and given to their suggestions all the weight to which they are justly entitled.

"On mature consideration it has been decided, that under all the circumstances above alluded to, incident to a prosecution of the war, you may omit any stipulation on the subject of impressment, if found indispensably necessary to terminate it. You will, of course, not recur to this expedient until all your efforts to adjust the controversy in a more satisfactory manner have failed. As it is not the intension of the United States, in suffering the

treaty to be silent on the subject of impressment, to admit the British claim thereon, or to relinquish that of the United States, it is highly important that any such inference be entirely precluded, by a declaration or protest in some form or other, that the omission is not to have any such effect or tendency. Any modification of the practice, to prevent abuses, being an acknowledgment of the right in Great Britain, is utterly inadmissible.

“Although Gottenburg was contemplated at the time your commission was made out, as the seat of the negotiation, yet your commission itself does not confine you to it. You are at liberty, therefore, to transfer the negotiation to any other place made more eligible by a change of circumstances. Amsterdam and the Hague readily present themselves as preferable to any place in England. If, however, you should be of opinion, that under all circumstances, the negotiation in that country will be attended with advantages, outweighing the objections to it, you are at liberty to transfer it there.”

*Extract of a Letter from the Secretary of State, to the Commissioners of the United States, for treating of Peace with Great Britain. Department of State, Aug. 11, 1814.*

“I HAD the honour to receive on the 3d of this month a letter from Mr. Bayard and Mr. Gallatin, of the 23d of May, and one from Mr. Gallatin, of the 2d of June.

“The President approves the arrangement communicated by those gentlemen for transferring the negotiation with the British government from Gottenburg to Ghent. It is presumed from Mr. Gallatin’s letter that the meeting took place towards the latter end of June, and that we shall soon hear from you what will be its probable result.

“By my letters of the 25th and 27th June, of which another copy is now forwarded, the sentiments of the President, as to the conditions on which it will be proper for you to conclude a treaty of peace, are made known to you. It is presumed that either in the mode suggested in my letter of the 25th June, which is much preferred, or by

permitting the treaty to be silent on the subject, as is authorized in the letter of the 27th June, the question of impressment may be so disposed of, as to form no obstacle to a pacification. This government can go no further, because it will make no sacrifice of the rights or honour of the nation.

"If Great Britain does not terminate the war on the conditions which you are authorized to adopt, she has other objects in it than those for which she has hitherto professed to contend. That such are entertained, there is much reason to presume. These, whatever they may be, must and will be resisted by the United States. The conflict may be severe, but it will be borne with firmness, and as we confidently believe, be attended with success."

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. DEC. 1, 1814.

I TRANSMIT, for the information of Congress, the communications last received from the ministers extraordinary, and plenipotentiary of the United States at Ghent, explaining the course and actual state of their negotiations with the plenipotentiaries of Great Britain.

JAMES MADISON.

*The Ministers Plenipotentiary and Extraordinary of the United States, at Ghent, to the Secretary of State. Ghent, Oct. 25, 1814.*

SIR,—We have the honour of transmitting herewith copies of all our correspondence with the British plenipotentiaries since the departure of Mr. Dallas. Although the negotiation has not terminated so abruptly as we expected at that period that it would, we have no reason to retract the opinion which we then expressed, that no hopes

of peace, as likely to result from it, could be entertained. It is true that the terms which the British government had so peremptorily prescribed at that time have been apparently abandoned, and that the *sine qua non*, then required as a preliminary to all discussion upon other topics, has been reduced to an article securing merely an Indian pacification, which we have agreed to accept, subject to the ratification or rejection of our government. But you will perceive that our request for the exchange of a project of a treaty has been eluded, and that in their last note the British plenipotentiaries have advanced a demand not only new and inadmissible, but totally incompatible with their uniform previous declarations, that Great Britain had no view in this negotiation to any acquisition of territory. It will be perceived, that this new pretension was brought forward immediately after the accounts had been received that a British force had taken possession of all that part of the state of Massachusetts situated east of Penobscot river. The British plenipotentiaries have invariably referred to their government every note received from us, and waited the return of their messenger before they have transmitted to us their answer; and the whole tenour of the correspondence, as well as the manner in which it has been conducted on the part of the British government, have concurred to convince us, that their object has been delay. Their motives for this policy we presume to have been to keep the alternative of peace, or of a protracted war, in their own hands, until the general arrangement of European affairs should be accomplished at the congress of Vienna, and until they could avail themselves of the advantages which they have anticipated from the success of their arms during the present campaign in America.

Although the sovereigns who had determined to be present at the congress of Vienna have been already several weeks assembled there, it does not appear by the last advices from that place, that the congress has been formally opened. On the contrary, by a declaration from the plenipotentiaries of the powers, who were parties to the peace of Paris of 30th May last, the opening of the congress appears to have been postponed to the first of November. A memorial is said to have been presented

by the French ambassador, Talleyrand, in which it is declared, that France having returned to her boundaries in 1792, can recognise none of the aggrandizements of the other great powers of Europe since that period, although not intending to oppose them by war.

These circumstances indicate that the new basis for the political system of Europe, will not be so speedily settled as had been expected. The principle thus assumed by France is very extensive in its effects, and opens a field for negotiation much wider than had been anticipated. We think it does not promise an aspect of immediate tranquillity to this continent, and that it will disconcert particularly the measures which Great Britain has been taking with regard to the future destination of this country, among others, and to which she has attached apparently much importance.

We have the honour to be, &c.

JOHN QUINCY ADAMS,  
J. A. BAYARD,  
H. CLAY;  
JONA. RUSSELL,  
ALBERT GALLATIN.

*The Ministers Plenipotentiary and Extraordinary of the United States to the Plenipotentiaries of his Britannick Majesty. Ghent, August 24, 1814.*

THE undersigned, ministers plenipotentiary and extraordinary from the United States of America, have given to the official note which they have had the honour of receiving from his Britannick majesty's plenipotentiaries the deliberate attention which the importance of its contents required, and have now that of transmitting to them their answer on the several points to which it refers.

They would present to the consideration of the British plenipotentiaries, that lord Castlereagh, in his letter of the fourth of November, 1813, to the American Secretary of State, pledges the faith of the British government that "they were willing to enter into discussion with the government of America for the conciliatory adjustment of

the differences subsisting between the two states, with an earnest desire on their part to bring them to a favourable issue, upon principles of perfect reciprocity, not inconsistent with the established maxims of publick law, and with the maritime rights of the British empire." This fact alone might suffice to show, that it ought not to have been expected that the American government, in acceding to this proposition, should have exceeded its terms, and furnished the undersigned with instructions authorizing them to treat with the British plenipotentiaries respecting Indians situated within the boundaries of the United States. That such expectation was not entertained by the British government might also have been inferred from the explicit assurance which the British plenipotentiaries gave, on the part of their government, at the first conference which the undersigned had the honour of holding with them, that no events, subsequent to the first proposal for this negotiation, had, in any manner, varied either the disposition of the British government, that it might terminate in a peace honourable to both parties, or the terms upon which they would be willing to conclude it.

It is well known that the differences which unhappily subsisted between Great Britain and the United States, and which ultimately led to the present war, were wholly of a maritime nature, arising principally from the British orders in council, in relation to blockades, and from the impressment of mariners on board of American vessels. The boundary of the Indian territory had never been a subject of difference between the two countries. Neither the principles of reciprocity, the maxims of publick law, nor the maritime rights of the British empire, could require the permanent establishment of such boundary. The novel pretensions now advanced could no more have been anticipated by the government of the United States, in forming instructions for this negotiation, than they seem to have been contemplated by that of Great Britain in November last in proposing it. Lord Castlereagh's note makes the termination of the war to depend on a conciliatory adjustment of the differences then subsisting between the two states, and on no other condition whatever.

Nor could the American government have foreseen that Great Britain, in order to obtain peace for the Indians, residing within the dominions of the United States, whom she had induced to take part with her in the war, would demand that they should be made parties to the treaty between the two nations, or that the boundaries of their lands should be permanently and irrevocably fixed by that treaty. Such a proposition is contrary to the acknowledged principles of publick law, and to the practice of all civilized nations, particularly of Great Britain and of the United States. It is not founded on reciprocity. It is unnecessary for the attainment of the object which it professes to have in view.

No maxim of publick law has hitherto been more universally established among the powers of Europe possessing territories in America, and there is none to which Great Britain has more uniformly and inflexibly adhered, than that of suffering no interposition of a foreign power in the relations between the acknowledged sovereign of the territory, and the Indians situated upon it. Without the admission of this principle, there would be no intelligible meaning attached to stipulations establishing boundaries between the dominions in America of civilized nations possessing territories inhabited by Indian tribes. Whatever may be the relations of Indians to the nation in whose territory they are thus acknowledged to reside, they cannot be considered as an independent power by the nation which has made such acknowledgment.

That the territory of which Great Britain wishes now to dispose, is within the dominions of the United States, was solemnly acknowledged by herself in the treaty of peace of 1783, which established their boundaries, and by which she relinquished all claims to the government, propriety, and territorial rights within those boundaries. No condition respecting the Indians residing therein, was inserted in that treaty. No stipulation similar to that now proposed, is to be found in any treaty made by Great Britain, or within the knowledge of the undersigned, by any other nation.

The Indian tribes for which Great Britain proposes now to stipulate have, themselves, acknowledged this principle.

By the Greenville treaty of 1795, to which the British plenipotentiaries have alluded, it is expressly stipulated, and the condition has been confirmed by every subsequent treaty, so late as the year 1810, "That the Indian tribes shall quietly enjoy their lands, hunting, planting and dwelling thereon, so long as they please, without any molestation from the United States; but that when their tribes, or any of them, shall be disposed to sell their lands, they are to be sold only to the United States: that until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude on the same, and that the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and of no other power whatever."

That there is no reciprocity in the proposed stipulation is evident. In prohibiting Great Britain and the United States from purchasing lands within a part of the dominions of the latter power, while it professes to take from Great Britain a privilege which she had not, it actually deprives the United States of a right exclusively belonging to them.

The proposition is also utterly unnecessary for the purpose of obtaining a pacification for the Indians residing within the territories of the United States. The undersigned have already had the honour of informing the British plenipotentiaries, that, under the system of liberal policy adopted by the United States in their relations with the Indians within their territories, an uninterrupted peace had subsisted from the year 1795, not only between the United States and all those tribes, but also amongst those tribes themselves, for a longer period of time than ever had been known since the first settlement of North America. Against those Indians the United States have neither interest nor inclination to continue the war. They have nothing to ask of them but peace. Commissioners on their part have been appointed to conclude it, and an armistice was actually made last autumn with most of those tribes. The British government may again have induced some of them to take their side in the war, but peace with

them will necessarily follow immediately a peace with Great Britain. To a provisional article, similar to what has been stipulated in some former treaties, engaging that each party will treat for the Indians within its territories, include them in the peace, and use its best endeavours to prevent them from committing hostilities against the citizens or subjects of the other party, the undersigned might assent, and rely on the approbation and ratification of their government. They would also, for the purpose of securing the duration of peace, and to prevent collisions which might interrupt it, propose a stipulation which should preclude the subjects or citizens of each nation, respectively, from trading with the Indians residing in the territory of the other. But to surrender both the rights of sovereignty and of soil over nearly one third of the territorial dominions of the United States, and to a number of Indians not probably exceeding twenty thousand, the undersigned are so far from being instructed or authorized, that they assure the British commissioners that any arrangement for that purpose would be instantaneously rejected by their government.

Not only has this extraordinary demand been made a *sine qua non*, to be admitted without discussion, and as a preliminary basis; but it is accompanied by others equally inadmissible, which the British plenipotentiaries state to be so connected with it, that they may reasonably influence the decision of the undersigned upon it, yet leaving them uninformed how far these other demands may also be insisted on as indispensable conditions of a peace.

As little are the undersigned instructed or empowered to accede to the propositions of the British government, in relation to the military occupation of the western lakes. If they have found the proposed interference of Great Britain in the concerns of Indians residing within the United States utterly incompatible with any established maxim of publick law, they are no less at a loss to discover by what rule of perfect reciprocity the United States can be required to renounce their equal right of maintaining a naval force upon those lakes, and of fortifying their own shores, while Great Britain reserves exclusively

the corresponding rights to herself. That in point of military preparation, Great Britain, in her possessions in North America, ever has been in a condition to be termed, with propriety, the weaker power, in comparison with the United States, the undersigned believe to be incorrect in point of fact. In regard to the fortification of the shores, and to the forces actually kept on foot upon those frontiers, they believe the superiority to have always been on the side of Great Britain. If the proposal to dismantle the forts upon her shores, strike for ever her military flag upon the lakes, and lay her whole frontier defenceless in the presence of her armed and fortified neighbour, had proceeded, not from Great Britain to the United States, but from the United States to Great Britain, the undersigned may safely appeal to the bosoms of his Britannick majesty's plenipotentiaries for the feelings with which, not only in regard to the interests, but to the honour of their nation, they would have received such a proposal. What would Great Britain herself say, if, in relation to another frontier, where she has the acknowledged superiority of strength, it were proposed that she should be reduced to a condition even of equality with the United States?

The undersigned further perceive, that under the alleged purpose of opening a direct communication between two of the British provinces in America, the British government require a cession of territory forming a part of one of the states of the American Union, and that they propose, without purpose specifically alleged, to draw the boundary line westward, not from the Lake of the Woods, as it now is, but from Lake Superior. It must be perfectly immaterial to the United States, whether the object of the British government, in demanding the dismemberment of the United States, is to acquire territory, as such, or for purposes less liable, in the eyes of the world, to be ascribed to the desire of aggrandizement. Whatever the motive may be, and with whatever consistency views of conquest may be disclaimed, while demanding for herself, or for the Indians, a cession of territory more extensive than the whole island of Great Britain, the duty marked out for the undersigned is the

same. They have no authority to cede any part of the territory of the United States, and to no stipulation to that effect will they subscribe.

The conditions proposed by Great Britain have no relation to the subsisting differences between the two countries: they are inconsistent with acknowledged principles of publick law: they are founded neither on reciprocity nor any of the usual bases of negotiation, neither on that of the *uti possidetis*, or of *status ante bellum*: they would inflict the most vital injury on the United States, by dismembering their territory, by arresting their natural growth and increase of population, and by leaving their northern and western frontier equally exposed to British invasion and to Indian aggression: they are, above all, dishonourable to the United States, in demanding from them to abandon territory and a portion of their citizens, to admit a foreign interference in their domestick concerns, and to cease to exercise their natural rights on their own shores and in their own waters. A treaty concluded on such terms would be but an armistice. It cannot be supposed that America would long submit to conditions so injurious and degrading. It is impossible, in the natural course of events, that she should not, at the first favourable opportunity, recur to arms, for the recovery of her territory, of her rights, of her honour. Instead of settling existing differences, such a peace would only create new causes of war, sow the seeds of a permanent hatred, and lay the foundation of hostilities for an indefinite period.

Essentially pacifick from her political institutions, from the habits of her citizens, from her physical situation, America reluctantly engaged in the war. She wishes for peace; but she wishes for it upon those terms of reciprocity, honourable to both countries, which can alone render it permanent. The causes of the war between the United States and Great Britain having disappeared by the maritime pacification of Europe, the government of the United States does not desire to continue it, in defence of abstract principles, which have, for the present, ceased to have any practical effect. The undersigned have been accordingly instructed to agree to its

termination, both parties restoring whatever territory they may have taken, and both reserving all their rights, in relation to their respective seamen. To make the peace between the two nations solid and permanent, the undersigned were also instructed, and have been prepared to enter into the most amicable discussion of all those points on which differences or uncertainty had existed, and which might hereafter tend in any degree whatever to interrupt the harmony of the two countries, without, however, making the conclusion of the peace at all depend upon a successful result of the discussion.

It is, therefore, with deep regret, that the undersigned have seen that other views are entertained by the British government, and that new and unexpected pretensions are raised, which, if persisted in, must oppose an insuperable obstacle to a pacification. It is not necessary to refer such demands to the American government for its instruction.

They will only be a fit subject of deliberation, when it becomes necessary to decide upon the expediency of an absolute surrender of national independence.

The undersigned request the British plenipotentiaries to accept the assurance of their high consideration.

JOHN QUINCY ADAMS,  
JAMES A. BAYARD,  
H. CLAY,  
JONATHAN RUSSELL,  
ALBERT GALLATIN.

To the Plenipotentiaries of His  
Britannick Majesty, &c. &c. &c.

*The British to the American Commissioners. Ghent, September 4, 1814.*

THE undersigned have the honour to acknowledge the receipt of the note of the American plenipotentiaries, dated the 24th ultimo.

It is with unfeigned regret that the undersigned observe, both in the tone and substance of the whole note, so little proof of any disposition on the part of the government of

the United States to enter into an amicable discussion of the several points submitted by the undersigned in their former communication. The undersigned are perfectly aware, that in bringing forward those points for consideration, and stating with so much frankness; as they did, the views with which they were proposed, they departed from the usual course of negotiation, by disclosing all the objects of their government, while those which the American government had in view were withheld; but in so doing they were principally actuated by a sincere desire of bringing the negotiation as soon as possible to a favourable termination, and in some measure by their willingness to comply with the wishes expressed by the American plenipotentiaries themselves.

It is perfectly true that the war between his majesty and the United States, was declared by the latter power, upon the pretence of maritime rights alleged to be asserted by Great Britain, and disputed by the United States.

If the war thus declared by the United States had been carried on by them for objects purely of a maritime nature, or if the attack which has been made on Canada had been for the purpose of diversion, or in the way of defence against the British forces in that quarter, any question as to the boundaries of Canada might have been considered as unnecessary; but it is notorious to the whole world that the conquest of Canada, and its permanent annexation to the United States, was the declared object of the American government. If, in consequence of a different course of events on the continent of Europe, his majesty's government had been unable to reinforce the British armies in Canada, and the United States had obtained a decided superiority in that quarter, is there any person who doubts that they would have availed themselves of their situation to obtain on the side of Canada important cessions of territory, if not the entire abandonment of that country by Great Britain? Is the American government to be allowed to pursue, so far as its means will enable it, a system of acquisition and aggrandizement to the extent of annexing entire provinces to their dominions, and is his majesty to be precluded from availing himself of his means, so far as they will enable him, to retain those points which the

valour of British arms may have placed in his power, because they happen to be situated within the territories allotted under former treaties to the government of the United States ?

Such a principle of negotiation was never avowed at any period antecedent to that of the revolutionary government of France.

If the policy of the United States had been essentially pacifick, as the American plenipotentiaries assert it ought to be, from their political institutions, from the habits of their citizens, and from their physical situation, it might not have been necessary to propose the precautionary provisions now under discussion. That, of late years at least, the American government have been influenced by a very different policy ; by a spirit of aggrandizement not necessary to their own security, but increasing with the extent of their empire, has been too clearly manifested by their progressive occupation of the Indian territories ; by the acquisition of Louisiana ; by the more recent attempt to wrest by force of arms from a nation in amity the two Floridas ; and, lastly, by the avowed intention of permanently annexing the Canadas to the United States.

If, then, the security of the British North American dominions requires any sacrifices on the part of the United States, they must be ascribed to the declared policy of that government in making the war not one of self defence, nor for the redress of grievances real or pretended, but a part of a system of conquest and aggrandizement.

The British government, in its present situation, is bound in duty to endeavour to secure its North American dominions against those attempts at conquest, which the American government have avowed to be a principle of their policy, and which as such will undoubtedly be renewed, whenever any succeeding war between the two countries shall afford a prospect of renewing them with success.

The British plenipotentiaries proposed that the military possession of the lakes, from lake Ontario to lake Superior, should be secured to Great Britain, because the command of those lakes would afford to the American government the means of commencing a war in the heart of Ca-

nada, and because the command of them, on the part of Great Britain, has been shown by experience to be attended with no insecurity to the United States.

When the relative strength of the two powers in North America is considered, it should be recollected that the British dominions in that quarter do not contain a population of five hundred thousand souls, whereas the territory of the United States contains a population of more than seven millions; that the naval resources of the United States are at hand for attack, and that the naval resources of Great Britain are on the other side of the Atlantick.

The military possession of those lakes is not, therefore, necessary for the protection of the United States.

The proposal for allowing the territories on the southern banks of the lakes above mentioned to remain in the possession of the government of the United States, provided no fortifications should be erected on the shores, and no armament permitted on the waters, has been made for the purpose of manifesting that security, and not acquisition of territory, is the object of the British government, and that they have no desire to throw obstacles in the way of any commerce which the people of the United States may be desirous of carrying on upon the lakes in time of peace.

The undersigned, with the anxious wish to rectify all misunderstanding, have thus more fully explained the grounds upon which they brought forward the propositions contained in their former note respecting the boundaries of the British dominions in North America.

They do not wish to insist upon them beyond what the circumstances may fairly require. They are ready, amicably, to discuss the details of them with a view to the adoption of any modifications which the American plenipotentiaries, or their government, may have to suggest, if they are not incompatible with the object itself.

With respect to the boundary of the district of Maine, and that of the north western frontier of the United States, the undersigned were not prepared to anticipate the objections contained in the note of the American plenipotentiaries, "that they were instructed to treat for the revision of their boundary lines," with the statement which they have subsequently made, that they had no authority

to cede any part, however insignificant, of the territories of the United States, although the proposal left it open to them to demand an equivalent for such cession either in frontier or otherwise.

The American plenipotentiaries must be aware that the boundary of the district of Maine has never been correctly ascertained; that the one asserted at present by the American government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British plenipotentiaries who concluded the treaty of 1783, and that the greater part of the territory in question is actually unoccupied.

The undersigned are persuaded that an arrangement on this point might be easily made, if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question.

As the necessity for fixing some boundary for the north-western frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a cession of territory, unless the United States are prepared to assert that there is no limit to their territories in that direction, and that availing themselves of the geographical error upon which that part of the treaty of 1783 was founded, they will acknowledge no boundary whatever, then unquestionably any proposition to fix one, be it what it may, must be considered as demanding a large cession of territory from the United States.

Is the American government prepared to assert such an unlimited right, so contrary to the evident intention of the treaty itself? Or is his majesty's government to understand that the American plenipotentiaries are willing to acknowledge the boundary from the lake of the Woods to the Mississippi (the arrangement made by a convention in 1803, but not ratified) as that by which their government is ready to abide?

The British plenipotentiaries are instructed to accept favourably such a proposition, or to discuss any other line of boundary which may be submitted for consideration.

It is with equal astonishment and regret the undersigned find that the American plenipotentiaries have not only

declined signing any provisional article, by which the Indian nations who have taken part with Great Britain in the present contest may be included in the peace, and may have a boundary assigned to them, but have also thought proper to express surprise at any proposition on the subject having been advanced.

The American plenipotentiaries state, that their government could not have expected such a discussion, and appear resolved, at once, to reject any proposition on this head; representing it as a demand contrary to the acknowledged principles of publick law, tantamount to a cession of one third of the territorial dominions of the United States, and required to be admitted without discussion.

The proposition which is thus represented is, that the Indian nations, which have been during the war in alliance with Great Britain, should at its termination be included in the pacification; and with a view to their permanent tranquillity and security, that the British government is willing to take as a basis of an article on the subject of a boundary for those nations, the stipulations which the American government contracted in 1795, subject, however to modifications.

After the declaration, publicly made to those Indian nations by the governor general of Canada, that Great Britain would not desert them, could the American government really persuade itself that no proposition relating to those nations would be advanced, and did lord Castlereagh's note of the 4th November, 1813, imply so great a sacrifice of honour, or exclude from discussion every subject excepting what immediately related to the maritime questions referred to in it?

When the undersigned assured the American plenipotentiaries of the anxious wish of the British government that the negotiation might terminate in a peace honourable to both parties, it could not have been imagined that the American plenipotentiaries would thence conclude, that his majesty's government was prepared to abandon the Indian nations to their fate, nor could it have been foreseen that the American government would have considered it as derogatory to its honour to admit a proposi-

tion by which the tranquillity of those nations might be secured.

The British plenipotentiaries have yet to learn, that it is contrary to the acknowledged principles of publick law to include allies in a negotiation for peace, or that it is contrary to the practice of all civilized nations to propose that a provision should be made for their future security.

The treaty of Greenville established the boundaries between the United States and the Indian nations. The American plenipotentiaries must be aware, that the war, which has since broken out, has abrogated that treaty. Is it contrary to the established principles of publick law for the British government to propose, on behalf of its allies, that this treaty shall, on the pacification, be considered subject to such modifications as the case may render necessary? Or is it unreasonable to propose, that this stipulation should be amended, and that on that foundation some arrangement should be made which would provide for the existence of a neutral power between Great Britain and the United States, calculated to secure to both a longer continuance of the blessings of peace?

So far was that specifick proposition respecting the Indian boundaries from being insisted upon in the note, or in the conference which preceded it, as one to be admitted without discussion, that it would have been difficult to use terms of greater latitude, or which appeared more adapted, not only not to preclude but to invite discussion.

If the basis proposed could convey away one third of the territory of the United States, the American government itself must have conveyed it away by the Greenville treaty of 1795.

It is impossible to read that treaty without remarking how inconsistent the present pretensions of the American government are, with its preamble and provisions. The boundary line between the lands of the United States, and those of the Indian nations, is therein expressly defined. The general character of the treaty, is that of a treaty with independent nations; and the very stipulation which the American plenipotentiaries refer to, that the Indian

nations should sell their lands only to the United States, tends to prove that, but for that stipulation, the Indians had a general right to dispose of them.

The American government has now for the first time, in effect, declared that all Indian nations within its line of demarcation are its subjects, living there upon sufferance, on lands which it also claims the exclusive right of acquiring, thereby menacing the final extinction of those nations.

Against such a system, the undersigned must formally protest. The undersigned repeat, that the terms on which the proposition has been made for assigning to the Indian nations some boundary, manifest no unwillingness to discuss any other proposition directed to the same object, or even a modification of that which is offered. Great Britain is ready to enter into the same engagements with respect to the Indians living within her line of demarcation, as that which is proposed to the United States. It can, therefore, only be from a complete misapprehension of the proposition, that it can be represented as being not reciprocal. Neither can it, with any truth, be represented as contrary to the acknowledged principles of public law, as derogatory to the honour, or inconsistent with the rights of the American government, nor as a demand required to be admitted without discussion.

After this full exposition of the sentiments of his majesty's government on the points above stated, it will be for the American plenipotentiaries to determine, whether they are ready now to continue the negotiations; whether they are disposed to refer to their government for further instructions; or, lastly, whether they will take upon themselves the responsibility of breaking off the negotiation altogether.

The undersigned request the American plenipotentiaries to accept the assurance of their high consideration.

GAMBIER,  
HENRY GOULBURN,  
WILLIAM ADAMS.

*The American to the British Commissioners. Ghent, September 9, 1814.*

THE undersigned have had the honour to receive the note of his Britannick majesty's plenipotentiaries, dated the 4th instant. If, in the tone or substance of the former note of the undersigned, the British commissioners have perceived little proof of any disposition on the part of the American government, for a discussion of some of the propositions advanced in the first note, which the undersigned had the honour of receiving from them, they will ascribe it to the nature of the propositions themselves, to their apparent incompatibility with the assurances in lord Castlereagh's letter to the American Secretary of State, proposing this negotiation, and with the solemn assurances of the British plenipotentiaries themselves, to the undersigned, at their first conferences with them.

The undersigned, in reference to an observation of the British plenipotentiaries, must be allowed to say, that the objects which the government of the United States had in view, have not been withheld.

The subjects considered as suitable for discussion were fairly brought forward, in the conference of the 9th ult. and the terms on which the United States were willing to conclude the peace, were frankly and expressly declared in the note of the undersigned, dated the 24th ult. It had been confidently hoped that the nature of those terms, so evidently framed in a sincere spirit of conciliation, would have induced Great Britain to adopt them as the basis of a treaty: and it is with deep regret, that the undersigned, if they have rightly understood the meaning of the last note of the British plenipotentiaries, perceive that they still insist on the exclusive military possession of the lakes, and on a permanent boundary and independent territory for the Indians residing within the dominions of the United States.

The first demand is grounded on the supposition, that the American government has manifested, by its proceedings towards Spain, by the acquisition of Louisiana, by

purchases of Indian lands, and by an avowed intention of permanently annexing the Canadas to the United States, a spirit of aggrandizement and conquest, which justifies the demand of extraordinary sacrifices from them, to provide for the security of the British possessions in America.

In the observations which the undersigned felt it their duty to make on the new demands of the British government, they confined their animadversions to the nature of the demands themselves; they did not seek for illustrations of the policy of Great Britain in her conduct, in various quarters of the globe, towards other nations, for she was not accountable to the United States. Yet the undersigned will say, that their government has ever been ready to arrange, in the most amicable manner, with Spain, the questions respecting the boundaries of Louisiana and Florida, and that of indemnities acknowledged by Spain due to American citizens. How the peaceable acquisition of Louisiana, or the purchase of lands within the acknowledged territories of the United States, both made by fair and voluntary treaties for satisfactory equivalents, can be ascribed to a spirit of conquest dangerous to their neighbours, the undersigned are altogether at a loss to understand.

Nor has the conquest of Canada, and its permanent annexation to the United States, been the declared object of their government. From the commencement of the war to the present time, the American government has been always willing to make peace, without obtaining any cession of territory, and on the sole condition that the maritime questions might be satisfactorily arranged. Such was their disposition in the month of July, 1812, when they instructed Mr. Russell to make the proposal of an armistice; in the month of October of the same year, when Mr. Monroe answered admiral Warren's proposal to the same effect; in April, 1813, when instructions were given to three of the undersigned, then appointed to treat of peace, under the mediation of Russia; and in January, 1814, when the instructions under which the undersigned are now acting, were prepared.

The proposition of the British plenipotentiaries is, that, in order to secure the frontier of Canada against

attack, the United States should leave their own without defence : and it seems to be forgotten, that if their superior population, and the proximity of their resources, give them any advantage in that quarter, it is balanced by the great difference between the military establishments of the two nations. No sudden invasion of Canada by the United States could be made, without leaving on their Atlantick shores, and on the ocean, exposed to the great superiority of British force, a mass of American property far more valuable than Canada. In her relative superior force to that of the United States, in every other quarter, Great Britain may find a pledge much more efficacious for the safety of a single vulnerable point, than in stipulations ruinous to the interests and degrading to the honour of America. The best security for the possessions of both countries will, however, be found in an equal and solid peace ; in a mutual respect for the rights of each other, and in the cultivation of a friendly understanding between them. If there be any source of jealousy in relation to Canada itself, it will be found to exist solely in the undue interference of traders and agents, which may be easily removed by proper restraints.

The only American forts on the lakes known to have been, at the commencement of the negotiation, held by British force, are Michilimackinac and Niagara. As the United States were, at the same time, in possession of Amherstburg and the adjacent country, it is not conceived that the mere occupation of those two forts could give any claim to his Britannick majesty to large cessions of territory, founded upon the right of conquest ; and the undersigned may be permitted to add, that even if the chances of war should yield to the British arms a momentary possession of other parts of the territories of the United States, such events would not alter their views with regard to the terms of peace to which they would give their consent. Without recurring to examples drawn from the revolutionary governments of France, or to a more recent and illustrious triumph of fortitude in adversity, they have been taught by their own history, that the occupation of their principal cities would produce no despondency, nor induce their submission to the dismem-

berment of their empire, or to the abandonment of any one of the rights which constitute a part of their national independence.

The general proposition, that it was consistent with the principles of publick law, and with the practice of civilized nations, to include allies in a treaty of peace, and to provide for their security, never was called in question by the undersigned. But they have denied the right of Great Britain, according to those principles and to her own practice, to interfere in any manner with Indian tribes residing within the territories of the United States, as acknowledged by herself, to consider such tribes as her allies, or to treat for them with the United States. They will not repeat the facts and arguments already brought forward by them in support of this position, and which remain unanswered. The observations made by the British plenipotentiaries on the treaty of Greenville, and their assertion that the United States now, for the first time, deny the absolute independence of the Indian tribes, and claim the exclusive right of purchasing their lands, require, however, some notice.

If the United States had now asserted, that the Indians within their boundaries, who have acknowledged the United States as their only protectors, were their subjects, living only at sufferance on their lands, far from being the first in making that assertion, they would only have followed the example of the principles, uniformly and invariably asserted in substance, and frequently avowed in express terms, by the British government itself. What was the meaning of all the colonial charters granted by the British monarchy, from that of Virginia, by Elizabeth, to that of Georgia, by the immediate predecessor of the present king, if the Indians were the sovereigns and proprietors of the lands bestowed by those charters? What was the meaning of that article in the treaty of Utrecht, by which the five nations were described, in terms, as subject to the dominion of Great Britain? or that of the treaty with the Cherokees, by which it was declared that the king of Great Britain granted them the privilege to live where they pleased, if those subjects were indepen-

dent sovereigns, and if these tenants, at the license of the British king, were the rightful lords of the lands where he granted them permission to live? What was the meaning of that proclamation of his present Britannick majesty issued in 1763, declaring all purchases of lands from the Indians null and void, unless made by treaties held under the sanction of his majesty's government, if the Indians had the right to sell their lands to whom they pleased? What was the meaning of boundary lines of American territories, in all the treaties of Great Britain with other European powers having American possessions, particularly in the treaty of 1763, by which she acquired from France the sovereignty and possession of the Canadas; in her treaty of peace with the United States in 1783; nay, what is the meaning of the north western boundary line, now proposed by the British commissioners themselves, if it is the rightful possession and sovereignty of independent Indians, of which these boundaries dispose? Is it, indeed, necessary to ask, whether Great Britain ever has permitted, or would permit, any foreign nation, or, without her consent, any of her subjects, to acquire lands from the Indians, in the territories of the Hudson Bay company, or in Canada? In formally protesting against this system, it is not against a novel pretension of the American government, it is against the most solemn acts of their own sovereigns, against the royal proclamations, charters, and treaties of Great Britain, for more than two centuries, from the first settlement of North America to the present day, that the British plenipotentiaries protest.

From the rigour of this system, however, as practised by Great Britain, and all the other European powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the laws of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and of the founder of Pennsylvania, in having purchased of the Indians the lands they

resolved to cultivate, notwithstanding their being furnished with a charter from their sovereign. It is this example, which the United States, since they became, by their independence, the sovereigns of the territory, have adopted and organized into a political system. Under that system, the Indians residing within the United States are so far independent, that they live under their own customs, and not under the laws of the United States: that their rights upon the lands where they inhabit, or hunt, are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them. They are so far dependent as not to have the right to dispose of their lands to any private persons, nor to any power other than the United States, and to be under their protection alone, and not under that of any other power. Whether called subjects, or by whatever name designated, such is the relation between them and the United States. That relation is neither asserted now for the first time, nor did it originate with the treaty of Greenville. These principles have been uniformly recognised by the Indians themselves, not only by that treaty, but in all the other previous as well as subsequent treaties, between them and the United States.

The treaty of Greenville neither took from the Indians the right, which they had not, of selling lands within the jurisdiction of the United States to foreign governments or subjects, nor ceded to them the right of exercising exclusive jurisdiction within the boundary line assigned. It was merely declaratory of the public law, in relation to the parties, founded on principles previously and universally recognised. It left to the United States the rights of exercising sovereignty and of acquiring soil, and bears no analogy to the proposition of Great Britain which requires the abandonment of both.

The British plenipotentiaries state in their last note, that Great Britain is ready to enter into the same engagement with respect to the Indians living within her line of de-

marcation, as that which is proposed to the United States. The undersigned will not dwell on the immense inequality of value between the two territories, which, under such an arrangement, would be assigned, by each nation, respectively, to the Indians, and which alone would make the reciprocity merely nominal. The condition which would be thus imposed on Great Britain not to acquire lands in Canada from the Indians, would be productive of no advantage to the United States, and is, therefore, no equivalent for the sacrifice required of them. They do not consider that it belongs to the United States in any respect to interfere with the concerns of Great Britain in her American possessions, or with her policy towards the Indians residing there : and they cannot consent to any interference, on the part of Great Britain, with their own concerns, and particularly with the Indians living within their territories. It may be the interest of Great Britain to limit her settlements in Canada to their present extent, and to leave the country to the west a perpetual wilderness, to be for ever inhabited by scattered tribes of hunters : but it would inflict a vital injury on the United States to have a line run through their territory, beyond which their settlements should for ever be precluded from extending, thereby arresting the natural growth of their population and strength ; placing the Indians substantially, by virtue of the proposed guaranty, under the protection of Great Britain ; dooming them to perpetual barbarism, and leaving an extensive frontier for ever exposed to their savage incursions.

With respect to the mere question of peace with the Indians, the undersigned have already explicitly assured the British plenipotentiaries, that so far as it depended on the United States, it would immediately and necessarily follow a peace with Great Britain. If this be her sole object, no provision in the treaty to that effect is necessary. Provided the Indians will now consent to it, peace will immediately be made with them, and they will be reinstated in the same situation in which they stood before the commencement of hostilities. Should a continuance of the war compel the United States to alter their policy

towards the Indians, who may still take the part of Great Britain, they alone must be responsible for the consequences of her own act in having induced them to withdraw themselves from the protection of the United States. The employment of savages, whose known rule of warfare is the indiscriminate torture and butchery of women, children and prisoners, is, itself, a departure from the principles of humanity observed between all civilized and christian nations, even in war.

The United States have constantly protested, and still protest against it, as an unjustifiable aggravation of the calamities and horrors of war. Of the peculiar atrocities of Indian warfare, the allies of Great Britain, in whose behalf she now demands sacrifices of the United States, have, during the present war, shown many deplorable examples. Among them, the massacre, in cold blood, of wounded prisoners, and the refusal of the rites of burial to the dead, under the eyes of British officers, who could only plead their inability to control these savage auxiliaries, have been repeated and are notorious to the world. The United States might, at all times, have employed the same kind of force against Great Britain, to a greater extent than it was in her power to employ it against them : but from their reluctance to resort to means so abhorrent to the natural feelings of humanity, they abstained from the use of them until compelled to the alternative of employing themselves Indians who would otherwise have been drawn into the ranks of their enemies. The undersigned, suggesting to the British plenipotentiaries the propriety of an article by which Great Britain and the United States should reciprocally stipulate never hereafter, if they should be again at war, to employ the savages in it, believe that it would be infinitely more honourable to the humanity and christian temper of both parties, more advantageous to the Indians themselves, and better adapted to secure their permanent peace, tranquillity, and progressive civilization, than the boundary proposed by the British plenipotentiaries.

With regard to the cession of a part of the district of Maine, as to which the British plenipotentiaries are unable

to reconcile the objections made by the undersigned, with their previous declaration, they have the honour to observe, that at the conference of the 8th ult. the British plenipotentiaries stated, as one of the subjects suitable for discussion, a revision of the boundary line between the British and American territories, with a view to prevent uncertainty and dispute : and that it was on the point thus stated, that the undersigned declared that they were provided with instructions from their government: a declaration which did not imply that they were instructed to make any cession of territory in any quarter, or to agree to a revision of the line, or to any exchange of territory, where no uncertainty or dispute existed.

The undersigned perceive no uncertainty or matter of doubt in the treaty of 1783, with respect to that part of the boundary of the district of Maine which would be affected by the proposal of Great Britain on that subject. They never have understood that the British plenipotentiaries who signed that treaty, had contemplated a boundary different from that fixed by the treaty, and which requires nothing more, in order to be definitely ascertained, than to be surveyed in conformity with its provisions. This subject not having been a matter of uncertainty or dispute, the undersigned are not instructed upon it ; and they can have no authority to cede any part of the state of Massachusetts, even for what the British government might consider a fair equivalent.

In regard to the boundary of the north western frontier, so soon as the proposition of Indian boundary is disposed of, the undersigned have no objection, with the explanation given by the British plenipotentiaries, in their last note, to discuss the subject.

The undersigned, in their former note, stated with frankness, and will now repeat, that the two propositions, 1st, of assigning in the proposed treaty of peace a definite boundary to the Indians living within the limits of the United States, beyond which boundary they should stipulate not to acquire, by purchase or otherwise, any territory ; 2dly, of securing the exclusive military possession of the lakes to Great Britain ; are both inadmissible ; and

that they cannot subscribe to, and would deem it useless to refer to their government any arrangement, even provisional, containing either of those propositions. With this understanding, the undersigned are now ready to continue the negotiation; and, as they have already expressed, to discuss all the points of difference, or which might hereafter tend in any degree to interrupt the harmony of the two countries.

The undersigned request the British plenipotentiaries to accept the assurance of their high consideration.

J. Q. ADAMS,  
J. A. BAYARD,  
H. CLAY,  
JONA. RUSSELL,  
A. GALLATIN.

*The British to the American Commissioners. Ghent, September 19, 1814.*

THE undersigned have the honour to acknowledge the receipt of the note addressed to them by the American plenipotentiaries on the 9th inst.

On the greater part of that note, the undersigned have no intention to make comments, having proposed to themselves throughout the negotiation to avoid all unnecessary discussions, more especially when tending to create irritation.

On the question of the north western frontiers, they are happy to find that no material difficulty is likely to arise.

With respect to the boundary of the district of Maine, the undersigned observe with regret, that although the American plenipotentiaries have acknowledged themselves to be instructed to discuss a revision of the boundary line, with a view to prevent uncertainty and dispute, yet, by assuming an exclusive right at once to decide what is or is not a subject of uncertainty and dispute, they have rendered their powers nugatory or inadmissibly partial in their operation.

After the declaration made by the American plenipotentiaries, that the United States will admit of no line of boundary between their territory and that of the Indian nations, because the natural growth and population of the United States would be thereby arrested, it becomes unnecessary further to insist on the proof of a spirit of aggrandizement afforded by the purchase of Louisiana from France, against the known conditions on which it had been ceded by Spain to that country, or the hostile seizure of a great part of the Floridas, under the pretence of a dispute respecting the boundary.

The reason given by the American plenipotentiaries for this declaration, equally applies to the assignment of a boundary to the United States on any side, with whatever view proposed; and the unlimited nature of the pretension would alone have justified Great Britain in seeking more effectual securities against its application to Canada than any which the undersigned have had the honour to propose.

Had the American plenipotentiaries been instructed on the subject of Canada, they would not have asserted that its permanent annexation had not been the declared object of their government. It has been distinctly avowed to be such at different times, particularly by two American generals on their respective invasions of Canada. If the declaration first made had been disapproved, it would not have been repeated. The declarations here referred to are to be found in the proclamation of general Hull in July, 1812, and of general Smyth in November, 1812; copies of which are hereunto annexed,

It must be also from the want of instructions that the American plenipotentiaries have been led to assert that Great Britain has induced the Indians to withdraw from the protection of the United States. The government of the United States cannot have forgotten that Great Britain, so far from inducing the Indians to withdraw themselves from the protection of the United States, gave the earliest information of the intention of those nations to invade the United States, and exerted herself, though without success, to prevent and appease their hostility. The Indian nations, however, having experienced, as they

thought, oppression, instead of protection from the United States, declared war against them previously to the declaration of war by that country against Great Britain. The treaty by which the Indians placed themselves under the protection of the United States, is now abrogated, and the American government cannot be entitled to claim, as a right, the renewal of an article in a treaty, which has no longer any existence. The Indian nations are therefore no longer to be considered as under the protection of the United States, (whatever may be the import of that term) and it can only be on the ground that they are regarded as subjects, that the American plenipotentiaries can be authorized to deny the right of Great Britain to interfere on their behalf in the negotiation for peace. To any such claim, it is repeated, that the treaties concluded with them, and particularly that of Greenville, are in direct opposition.

It is not necessary to recur to the manner in which the territory of the United States was at first settled, in order to decide, whether the Indian nations, the original inhabitants of America, shall have some spot assigned to them, where they may be permitted to live in tranquillity; nor whether their tranquillity can be secured without preventing an uninterrupted system of encroachment upon them under the pretence of purchases.

If the American plenipotentiaries are authorized peremptorily to deny the right of the British government to interfere with the pacification of the Indian nations, and for that reason refuse all negotiation on the subject, the undersigned are at a loss to understand, upon what principle it was, that at the conference of the 9th ultimo, the American plenipotentiaries invited discussion on the subject, and added, that it was not possible for them to decide without discussion, whether an article could be framed which should be mutually satisfactory, and to which they should think themselves, under their discretionary powers, warranted in acceding.

The undersigned must further observe, that if the American government has not furnished their plenipotentiaries with any instructions since January last, when the general pacification of Europe could not have been im-

mediately in contemplation, this subsequent silence, after an event so calculated (even in the view which the American plenipotentiaries have taken of it, in their note of the 24th ultimo,) to influence the negotiation, is, to say the least, no proof of a sincere desire to bring it to a favourable conclusion. The British government has entered into the negotiation with an anxious wish to effect an amicable arrangement. After convulsions unexampled in their nature, extent and duration, the civilized world has need of repose. To obtain this in Europe, Great Britain has made considerable sacrifices. To complete the work of general pacification, it is her earnest wish to establish a peace with the United States, and in her endeavours to accomplish this object, to manifest the same principles of moderation and forbearance; but it is utterly inconsistent with her practice and her principles ever to abandon in her negotiations for peace those who have co-operated with her in war.

The undersigned, therefore, repeat that the British government is willing to sign a treaty of peace with the United States on terms honourable to both parties. It has not offered any terms which the United States can justly represent as derogatory to their power, nor can it be induced to accede to any which are injurious to its own. It is on this ground that the undersigned are authorized distinctly to declare, that they are instructed not to sign a treaty of peace with the plenipotentiaries of the United States, unless the Indian nations are included in it, and restored to all the rights, privileges and territories which they enjoyed in the year 1811, previous to the commencement of the war, by virtue of the treaty of Greenville, and the treaties subsequently concluded between them and the United States. From this point the British plenipotentiaries cannot depart.

They are further instructed to offer for discussion an article by which the contracting parties shall reciprocally bind themselves, according to boundaries to be agreed upon, not to purchase the lands occupied by the Indians within their respective lines of demarcation. By making this engagement subject to revision at the expiration of a given period, it is hoped that the objection to the establish-

ment of a boundary beyond which the settlements of the United States should be for ever excluded, may be effectually obviated.

The undersigned have never stated that the exclusive military possession of the lakes, however conducive they are satisfied it would be to a good understanding between the two countries, without endangering the security of the United States, was to be considered as a *sine qua non* in the negotiation. Whenever the question relative to the pacification of the Indian nations (which, subject to the explanations already given, is a *sine qua non*.) shall be adjusted, the undersigned will be authorized to make a final disposition on the subject of Canadian boundaries, so entirely founded on principles of moderation and justice, that they feel confident it cannot be rejected. This proposition will be distinctly stated by the undersigned, upon receiving an assurance from the American plenipotentiaries that they consider themselves authorized to conclude a provisional article on the subject, and upon their previously consenting to include the Indian nations in the treaty, in the manner above described.

The undersigned avail themselves of this opportunity of renewing to the American plenipotentiaries, the assurance of their high consideration.

GAMBIER,  
HENRY GOULBURN,  
WM. ADAMS.

*The American to the British Commissioners. Ghent, September 26, 1814.*

IN replying to the note which the undersigned have had the honour of receiving from his Britannick majesty's plenipotentiaries, dated on the 19th instant, they are happy to concur with them in the sentiment of avoiding unnecessary discussions, especially such as may have a tendency to create irritation. They had hoped that, in the same spirit, the British plenipotentiaries would not have

thought allusions again necessary to transactions foreign to this negotiation, relating to the United States, and other independent nations, and not suitable for discussion between the United States and Great Britain. The observation made with respect to Louisiana is the more extraordinary, as the cession of that province to the United States was, at the time, communicated to the British government, who expressed their entire satisfaction with it, and as it has subsequently received the solemn sanction of Spain herself. The undersigned will further say, that whenever the transactions of the United States, in relation to the boundaries of Louisiana and Florida, shall be a proper subject of discussion, they will be found not only susceptible of complete justification, but will demonstrate the moderation and forbearance of the American government, and their undeviating respect for the rights of their neighbours.

The undersigned are far from assuming the exclusive right to decide, what is, or is not, a subject of uncertainty and dispute, with regard to the boundary of the district of Maine. But until the British plenipotentiaries shall have shown in what respect the part of that boundary which would be affected by their proposal, is such a subject, the undersigned may be permitted to assert that it is not.

The treaty of 1783 described the boundary as "a line to be drawn along the middle of the river St. Croix, from its mouth, in the bay of Fundy, to its source, and from its source directly north to the highlands which divide the rivers that fall into the Atlantick ocean from those which fall into the river St. Lawrence, and thence along the said highlands to the north westernmost head of Connecticut river."

Doubts having arisen as to the St. Croix designated in the treaty of 1783, a provision was made by that of 1794 for ascertaining it; and it may be fairly inferred, from the limitation of the article to that sole object, that, even in the judgment of Great Britain no other subject of controversy existed in relation to the extension of the boundary line from the source of that river. That river and its source having been accordingly ascertained, the under-

signed are prepared to propose the appointment of commissioners by the two governments, to extend the line to the highlands, conformably to the treaty of 1783. The proposal, however, of the British plenipotentiaries was not to ascertain, but to vary those lines in such manner as to secure a direct communication between Quebec and Halifax; an alteration which could not be effected, without a cession by the United States to Great Britain of all that portion of the state of Massachusetts intervening between the province of New Brunswick and Quebec, although unquestionably included within the boundary lines fixed by that treaty. Whether it was contemplated on the part of Great Britain to obtain the cession, with or without an equivalent in frontier or otherwise, the undersigned, in stating that they were not instructed or authorized to treat on the subject of cession, have not declined to discuss any matter of uncertainty or dispute which the British plenipotentiaries may point out to exist, respecting the boundaries in that, or in any other quarter, and are, therefore, not liable to the imputation of having rendered their powers on the subject nugatory, or inadmissibly partial in their operation.

The British plenipotentiaries consider the undersigned as having declared, "that the United States will admit of no line of boundary between their territory and that of the Indian nations, because the national growth and population of the United States would be thereby arrested." The undersigned, on the contrary, expressly stated in their last note, "that the lands inhabited by the Indians were secured to them by boundaries, defined in amicable treaties between them and the United States:" but they did refuse to assign, in a treaty of peace with Great Britain, a definitive and permanent boundary to the Indians, living within the limits of the United States. On this subject, the undersigned have no hesitation in avowing, that the United States, while intending never to acquire lands from the Indians, otherwise than peaceably, and with their free consent, are fully determined in that manner, progressively, and in proportion as their growing population may require, to reclaim from the state of nature, and to bring into cultivation every portion of the territory contained

within their acknowledged boundaries. In thus providing for the support of millions of civilized beings, they will not violate any dictate of justice or of humanity, for they will not only give to the few thousand savages, scattered over that territory, an ample equivalent for any right they may surrender, but will always leave them the possession of lands more than they can cultivate, and more than adequate to their subsistence, comfort, and enjoyment, by cultivation.

If this be a spirit of aggrandizement, the undersigned are prepared to admit, in that sense, its existence ; but they must deny that it affords the slightest proof of an intention not to respect the boundaries between them and European nations, or of a desire to encroach upon the territories of Great Britain. If, in the progress of their increasing population, the American people must grow in strength proportioned to their numbers, the undersigned will hope that Great Britain, far from repining at the prospect, will contemplate it with satisfaction. They will not suppose that that government will avow, as the basis of their policy towards the United States, the system of arresting their natural growth, within their own territories, for the sake of preserving a perpetual desert for savages. If Great Britain has made sacrifices to give repose to the civilized world in Europe, no sacrifice is required from her by the United States to complete the work of general pacification. This negotiation at least evinces, on their part, no disposition to claim any other right, than that of preserving their independence entire, and of governing their own territories without foreign interference.

Of the two proclamations, purported copies of which the British plenipotentiaries have thought proper to enclose with their last note, the undersigned might content themselves with remarking, that neither of them is the act of the American government. They are enabled however to add, with perfect confidence, that neither of them was authorized or approved by the government. The undersigned are not disposed to consider as the act of the British government, the proclamation of admiral Cochrane, herewith enclosed, exciting a portion of the population of the United States, under the promise of military employment

or of free settlement in the West Indies, to treachery and rebellion. The undersigned very sincerely regret to be obliged to say, that an irresistible mass of evidence consisting principally of the correspondence of British officers and agents, part only of which has already been published in America, establishes beyond all rational doubt, the fact, that a constant system of excitement to those hostilities was pursued by the British traders and agents, who had access to the Indians, not only without being discountenanced, but with frequent encouragement by the British authorities; and that if they ever dissuaded the Indians from commencing hostilities, it was only by urging them, as in prudence, to suspend their attacks until Great Britain could recognise them as her allies in the war.

When, in the conference of the 9th ultimo, the undersigned invited discussion upon the proposal of Indian pacification and boundary, as well as upon all the subjects presented by the British plenipotentiaries for discussion, they expressly stated their motives to be, 1st. To ascertain by discussion, whether an article on the subject could be formed to which they could subscribe, and which would be satisfactory to the British plenipotentiaries; and 2dly. That if no such article could be formed, the American government might be informed of the views of Great Britain upon that point, and the British government of the objections on the part of the United States, to any such arrangement. The undersigned have, in fact, already proposed no less than three articles on the subject, all of which they view as better calculated to secure peace and tranquillity to the Indians, than any of the proposals for that purpose, made by the British plenipotentiaries.

The undersigned had repeated their assurances to the British plenipotentiaries, that peace, so far as it depended on the United States, would immediately follow a peace with Great Britain, and added, that the Indians would thereby be reinstated in the same situation in which they stood before the commencement of hostilities. The British plenipotentiaries insist, in their last note, that the Indian nations shall be included in the treaty of peace between Great Britain and the United States, and be restored to all the rights, privileges, and territories which

they enjoyed in the year 1811, previous to their commencement of the war, by virtue of the treaty of Greenville, and the treaties subsequently concluded between them and the United States. Setting aside the subject of boundary, which is presented as for discussion only, there is no apparent difference with respect to the object in view; the pacification and tranquillity of the Indians, and placing them in the same situation in which they stood before the war, all which will be equally obtained in the manner proposed by the undersigned, and the only point of real difference is, the British plenipotentiaries insist that it should be done by including the Indians, as allies of Great Britain, in the treaty of peace between her and the United States.

The United States cannot consent that Indians residing within their boundaries, as acknowledged by Great Britain, shall be included in the treaty of peace, in any manner which will recognise them as independent nations, whom Great Britain, having obtained this recognition, would hereafter have the right to consider, in every respect, as such. Thus to recognise those Indians as independent and sovereign nations, would take from the United States, and transfer to those Indians, all the rights of soil and sovereignty over the territory which they inhabit; and this being accomplished through the agency of Great Britain, would place them effectually and exclusively under her protection, instead of being, as heretofore, under that of the United States. It is not perceived in what respect such a provision would differ from an absolute cession by the United States of the extensive territory in question.

The British plenipotentiaries have repeated the assertion, that the treaty by which the Indians placed themselves under the protection of the United States, was abrogated by the war; and thence infer, that they are no longer to be considered as under the protection of the United States, whatever may be the import of the term; and that the right of Great Britain to interfere in their behalf in the negotiation of peace, can only be denied on the ground that they are regarded as subjects. In point of fact, several of the tribes, parties to the treaty of

Greenville, have constantly been, and still are, at peace with the United States. Whether that treaty be or be not abrogated, is a question not necessary to be now discussed. The right of the United States to the protection of the Indians within their boundaries, was not acquired by that treaty; it was a necessary consequence of the sovereignty and independence of the United States. Previous to that time the Indians living within the same territory, were under the protection of his Britannick majesty, as its sovereign. The undersigned may refer the British plenipotentiaries to all the acts of their own government, relative to the subject, for proof, that it has always considered this right of protection as one of the rights of sovereignty, which it needed no Indian treaty to confer, and which the abrogation of no Indian treaty could divest. They will particularly bring to their recollection, that when a similar proposition was made of considering Indian tribes as independent nations, to serve as a barrier between the French and English territories, was made by France to England, it was immediately rejected, by a minister to whom the British nation is accustomed to look back with veneration, and rejected on the express ground, that the king would not renounce his right of protection over the Indians within his dominions. But whatever the relation of the Indians to the United States may be, and whether under their protection or not, Great Britain having by the treaty of 1783, recognised the sovereignty of the United States, and agreed to certain limits as their boundaries, has no right to consider any persons or communities, whether Indians or others, residing within those boundaries, as nations independent of the United States.

The United States claim, of right, with respect to all European nations, and particularly with respect to Great Britain, the entire sovereignty over the whole territory, and all the persons embraced within the boundaries of their dominions. Great Britain has no right to take cognizance of the relations subsisting between the several communities or persons living therein. They form as to her, only parts of the dominions of the United States, and it is altogether immaterial, whether, or how far, under their political institutions and policy, these communities or persons are independent states, allies, or subjects.

With respect to her and all other foreign nations, they are parts of a whole, of which the United States are the sole and absolute sovereigns.

The allegation of the British plenipotentiaries, that it is inconsistent with the practice or principles of Great Britain to abandon, in her negotiations for peace, those who have co-operated with her in war, is not applicable to the Indians, but on the erroneous assumption of their independence, which, so far as she is concerned, has been fully disproved. And although no power from these tribes to the British government, to treat in their behalf, would, for the same reason be admitted by the undersigned, they may nevertheless observe, that the British plenipotentiaries having produced no such powers, having no authority to bind the Indians, to engage for their assent to the pacification, or to secure the continuance of peace on their part whilst speaking of them as allies, do really propose to treat for them, not as if they were independent nations, but as if they were the subjects of Great Britain.

The undersigned so far from asking that, in relation to the Indians, Great Britain should pursue a course inconsistent with her former practice and principles, only desire that she would follow her own example respecting them, in her former treaties with other European nations, and with the United States. No provision for the Indians is found in the treaty of 1763, by which France ceded Canada to Great Britain, although almost all the Indians living within the territory ceded, or acknowledged to belong to Great Britain, had taken part with France in the war. No such provision was inserted in the treaty of peace of 1783, between Great Britain and the United States, although almost all the Indian tribes living within the territory recognised by the treaty to belong to the United States, had, during the war, co-operated with Great Britain, and might have been considered as her allies more justly than on the present occasion. So far as concerns the relations between Great Britain and the United States, these Indians can be treated for only on the principles by which amnesties are stipulated in favour of disaffected persons, who, in times of war and invasion, co-operate with the enemy of the nation to which they

belong. To go as far as possible in securing the benefit of the peace to the Indians, now the only object professed by the British government in their present *sine qua non*, the undersigned offer a stipulation in general terms, that no person or persons, whether subjects, citizens, or Indians, residing within the dominions of either party, shall be molested or annoyed, either in their persons or their property, for any part they may have taken in the war between the United States and Great Britain; but shall retain all the rights, privileges, and possessions, which they respectively had at the commencement of the war; they, on their part, demeaning themselves peaceably, and conformably to their duties to the respective governments. This the undersigned have no doubt will effectually secure to the Indians peace, if they themselves will observe it, and they will not suppose that Great Britain would wish them included in the peace, but upon that condition.

The undersigned have never intimated that their government had not furnished them with any instructions since January last. On the contrary, they distinctly told the British plenipotentiaries, in conference, though it appears to have escaped their recollection, that instructions had been received by the undersigned, dated at the close of the month of June. The undersigned will now add, that those instructions were drawn with a full knowledge of the general pacification in Europe, and with so liberal a consideration of its necessary bearing upon all the differences that had been until then subsisting between Great Britain and the United States, that the undersigned cannot doubt that peace would long since have been concluded, had not an insuperable bar against it been raised by the new and unprecedented demands of the British government.

With respect to the proposition which the British plenipotentiaries inform them they will be prepared to make, in relation to the Canadian boundaries, which appears to them so entirely founded on principles of moderation and justice, but the nature of which, they think proper at present to withhold, the undersigned can only pledge themselves to meet any proposition from the British plenipo-

tentiaries, characterized by moderation and justice, not only with a perfect reciprocity of those sentiments, but with a sincere and earnest desire to contribute to the restoration of peace, by every compliance with the wishes of Great Britain, compatible with their duty to their country,

The undersigned have the honour, &c.

JOHN QUINCY ADAMS,  
J. A. BAYARD,  
H. CLAY,  
JONA. RUSSELL,  
ALBERT GALLATIN.

*The British to the American Commissioners. Ghent, Oct.  
8, 1814.*

THE undersigned have the honour to acknowledge the receipt of the note of the plenipotentiaries of the United States, dated on the 26th ult.

As the continuance of the negotiation exclusively depends upon the question relating to the pacification and rights of the Indian nations, the undersigned are unwilling to extend their observations to the other subjects brought forward in the note of the American plenipotentiaries, further than may be required for necessary explanation.

In adverting for this purpose to the acquisition of Louisiana, the undersigned must observe, that the instrument by which the consent of his catholic majesty is alleged to have been given to the cession of it, has never been made publick. His catholic majesty was no party to the treaty by which the cession was made, and if any sanction has been subsequently obtained from him, it must have been, like other cotemporaneous acts of that monarch, involuntary, and as such cannot alter the character of the transaction. The marquis of Yrujo, the minister of his catholic majesty at Washington, in a letter addressed to the President of the United States, formally protested against the cession, and the right of France to

make it. Yet in the face of this protestation, so strongly evincing the decided opinion of Spain as to the illegality of the proceeding, the President of the United States ratified the treaty. Can it be contended that the annexation of Louisiana, under such circumstances, did not mark a spirit of territorial aggrandizement ?

His Britannick majesty did certainly express satisfaction when the American government communicated the event, that Louisiana, a valuable colony in the possession of France, with whom the war had just been renewed, instead of remaining in the hands of his enemy, had been ceded to the United States, at that time professing the most friendly disposition towards Great Britain, and an intention of providing for her interest in the acquisition. But the conditions under which France had acquired Louisiana from Spain, were not communicated ; the refusal of Spain to consent to its alienation was not known ; the protest of her ambassador had not been made ; and many other circumstances attending the transaction, on which it is now unnecessary to dilate, were, as there is good reason to believe, industriously concealed.

The proof of a spirit of aggrandizement, which the undersigned had deduced from the hostile seizure of a great part of the Floridas, under the most frivolous pretences, remains unrefuted ; and the undersigned are convinced that the occasion and circumstances under which that unwarrantable act of aggression took place, have given rise throughout Europe to but one sentiment as to the character of the transaction.

After the previous communication which the undersigned have had the honour of receiving from the American plenipotentiaries, they could not but feel much surprise at the information contained in their last note of their having received instructions dated subsequently to January, 1814. The undersigned have no recollection whatever of the American plenipotentiaries having communicated to them, either collectively or individually, at a conference or otherwise, the receipt of instructions from the government of the United States, dated at the close of the month of June, and they must remind the American plenipotentiaries, that their note of the 9th ult. distinctly

stated, that the instructions of January, 1814, were those under which they were acting. If, therefore, the American plenipotentiaries received instructions drawn up at the close of the month of June, with a liberal consideration of the late events in Europe, the undersigned have a right to complain that while the American government justly considered those events as having a necessary bearing on the existing differences between the two countries, the American plenipotentiaries should, nevertheless, have preferred acting under instructions which, from their date, must have been framed without the contemplation of such events.

The British government never required that all that portion of the state of Massachusetts intervening between the province of New Brunswick and Quebec, should be ceded to Great Britain, but only that small portion of unsettled country which interrupts the communication between Halifax and Quebec, there being much doubt whether it does not already belong to Great Britain.

The undersigned are at a loss to understand how vice admiral Cochrane's proclamation illustrates any topic connected with the present negotiation, or bears upon the conclusion which they contended was to be drawn from the two proclamations of the American generals. These proclamations distinctly avowing the intention of the American government permanently to annex the Canadas to the United States, were adduced not as matter of complaint, but simply for the purpose of proving what had been denied as a fact, viz. that such had been the declared intention of the American government.

The undersigned observe that although the American plenipotentiaries have taken upon themselves generally to deny that the proclamations were authorized or approved by their government, without stating in what mode that disapprobation was expressed, yet they avoid stating that the part of those proclamations containing the declaration in question had not been so authorized or approved. It is indeed impossible to imagine that if the American government had intimated any disapprobation of that part of general Hull's proclamation, the same declaration would

have been as confidently repeated four months after by general Smyth.

His majesty's government have other and ample means of knowing that the conquest of the Canadas, and their annexation to the United States, was the object and policy of the American government. For the present the undersigned will content themselves with referring to the remonstrance of the legislature of Massachusetts in June, 1813, in which this intention is announced as matter of notoriety.

The undersigned deny that the American government had proved, or can prove, that previous to the declaration of war by the United States, persons authorized by the British government, endeavoured to excite the Indian nations against the United States, or that endeavours of that kind, if made by private persons, (which the undersigned have no reason to believe,) ever received the countenance of his majesty's government.

The American plenipotentiaries have not denied that the Indian nations had been engaged in war with the United States, before the war with Great Britain had commenced, and they have reluctantly confessed that so far from his majesty having induced the Indian nations to begin the war, as charged against Great Britain, in the notes of the 24th August and 9th ult. the British government actually exerted their endeavours to dissuade the Indian nations from commencing it.

As to the unworthy motive assigned by the American plenipotentiaries to this interference so amicably made on the part of Great Britain, its utter improbability is sufficiently apparent from considering by which party the war was declared. The undersigned, therefore, can only consider it as an additional indication of that hostile disposition which has led to the present unhappy war between the two countries. So long as that disposition continues, it cannot but render any effort on the part of Great Britain to terminate this contest utterly unavailing.

The American plenipotentiaries appear unprepared to state the precise ground upon which they resist the right of his majesty to negotiate with the United States on behalf

of the Indian nations, whose co-operation in the war his majesty has found it expedient to accept.

The treaty of Greenville; to the words, stipulations, and spirit of which the undersigned have so frequently appealed, and all the treaties previously and subsequently made, between the United States and the Indian nations, show, beyond the possibility of doubt, that the United States have been in the habit of treating with these tribes as independent nations, capable of maintaining the relations of peace and war, and exercising territorial rights.

If this be so, it will be difficult to point out the peculiar circumstances in the condition of these nations, which should either exclude them from a treaty of general pacification, or prevent Great Britain, with whom they have co-operated as allies in the war, from proposing stipulations in their behalf at the peace. Unless the American plenipotentiaries are prepared to maintain what they have in effect advanced, that although the Indian nations may be independent in their relations with the United States, yet the circumstance of living within the boundary of the United States disables them from forming such conditions of alliance with a foreign power, as shall entitle that power to negotiate for them in a treaty of peace.

The principle upon which this proposition is founded, was advanced, but successfully resisted, so far back as the treaty of Munster. An attempt was then made to preclude France from negotiating in behalf of certain states and cities in Germany, who had co-operated with her in the war, because, although those states and cities might be considered as independent for certain purposes, yet being within the boundary of the German empire, they ought not to be allowed to become parties in the general pacification with the emperor of Germany, nor ought France to be permitted in that negotiation to mix their rights and interests with her own.

The American plenipotentiaries, probably aware that the notion of such a qualified independence, for certain purposes, and not for others, could not be maintained, either by argument or precedent, have been compelled to advance the novel and alarming pretension, that all the Indian nations, living within the boundary of the United

States, must, in effect, be considered as their subjects; and consequently, if engaged in war against the United States, become liable to be treated as rebels, or disaffected persons. They have further stated, that all the territory which these Indian nations occupy, is at the disposal of the United States; that the United States have a right to dispossess them of it; to exercise that right, whenever their policy or interest may seem to them to require it; and to confine them to such spots as may be selected, not by the Indian nations, but by the American government. Pretensions such as these Great Britain can never recognise: however reluctant his royal highness the prince regent may be to continue the war, that evil must be preferred, if peace can only be obtained on such conditions.

To support those pretensions, and at the same time to show, that the present conduct of Great Britain is inconsistent with her former practice and principles, the American plenipotentiaries have referred to the treaty of peace of 1783, to that of 1763, and to the negotiations of 1761, during the administration of a minister, whom the American plenipotentiaries have stated, and truly stated, to be high in the estimation of his country.

The omission to provide in the treaty of 1783, for the pacification of the Indian nations, which were to be included within the proposed boundary of the United States, cannot preclude Great Britain from now negotiating in behalf of such tribes or nations, unless it be assumed, that the occasional non-exercise of a right is an abandonment of it. Nor can the right of protection, which the American plenipotentiaries have failed in showing to have been ever claimed by Great Britain, as incident to sovereignty, have been transferred by Great Britain to the United States, by a treaty, to which the Indian nations were not parties.

In the peace of 1763, it was not necessary for Great Britain to treat for the pacification of the Indian nations, and the maintenance of their rights and privileges, because there had been no Indian nations living without the British boundaries, who had co-operated with Great Britain, in the war against France.

With respect to the negotiations of 1761, between Great Britain and France, on which the American plenipotentiaries more particularly rely, they appear, in the judgment of the undersigned, to have much misunderstood the whole course of that negotiation.

It is very true that the French government brought forward, at one period of the negotiation, a proposition, by which a certain territory, lying between the dominions of the two contracting parties, was to have been allotted to the Indian nations. But it does not appear that this formed a part of their ultimatum, and it is clear, that Mr. Pitt, in his answer, did not object to the proposition. He objected, indeed, to the proposed line of demarcation between the countries belonging to the two contracting parties, upon two grounds: first, that the proposed northern line would have given to France, what the French themselves had acknowledged to be part of Canada, the whole of which, as enjoyed by his most christian majesty, it had been stipulated, was to be ceded entirely to Great Britain: secondly; that the southern part of the proposed line of demarcation would have included within the boundary of Louisiana, the Cherokees, the Creeks, the Chickasaws, the Choctaws, and another nation, who occupied territories which had never been included within the boundaries of that settlement. So far was Mr. Pitt from rejecting, as alleged by the American plenipotentiaries, the proposition of considering Indian nations as a barrier, that at one period of the negotiation he complained that there was no provision for such a barrier; and he thus energetically urges his objections, in his letter to Mr. Stanley, the British plenipotentiary at Paris, dated on the 26th June, 1761: "As to the fixation of new limits to Canada towards the Ohio, it is captious and insidious, thrown out in hope, if agreed to, to shorten thereby the extent of Canada, and to lengthen the boundaries of Louisiana, and in the view to establish, what must not be admitted, namely, that all which is not Canada, is Louisiana, whereby all the intermediate nations and countries, the true barrier to each province, would be given up to France."

The undersigned confidently expect, that the American plenipotentiaries will not again reproach the British government with acting inconsistently with its former practice and principles, or repeat the assertion made in a former note, that a definition of Indian boundary, with a view to a neutral barrier, was a new and unprecedented demand by any European power, and most of all by Great Britain; the very instance selected by the American plenipotentiaries, undeniably proves that such a proposition had been entertained both by Great Britain and France, and that Mr. Pitt, on the part of Great Britain, had more particularly enforced it.

It remains only to notice two objections which the American plenipotentiaries have urged against the proposal of Indian pacification, advanced by the undersigned: first; that it is not reciprocal: secondly; that as the United States could have no security that the Indian nations would conclude a peace on the terms proposed, the objection would be in effect unilateral.

The article now proposed by the undersigned, and herewith enclosed, is free from both objections, and appears to them so characterized by a spirit of moderation and peace, that they earnestly anticipate the concurrence of the American plenipotentiaries.

In making a last effort in this stage of the war, the undersigned are not apprehensive that the motives which have influenced his royal highness the prince regent to direct a renewal of the proposition, with its present modifications, can be misunderstood or misrepresented.

Whatever may be the result of the proposition thus offered, the undersigned deliver it as their ultimatum, and now await with anxiety the answer of the American plenipotentiaries, on which their continuance in this place will depend.

The undersigned avail themselves of this opportunity of renewing to the American plenipotentiaries, the assurance of their high consideration.

GAMBIER,  
HENRY GOULBURN,  
WILLIAM ADAMS.

**THE** United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war, at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities : provided always, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

And his Britannick majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war, at the time of such ratification, and forthwith to restore to such tribes or nations respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities : provided always, that such tribes or nations shall agree to desist from all hostilities against his Britannick majesty and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

*The American to the British Commissioners. Ghent, Oct.  
13, 1814.*

**THE** undersigned have the honour to acknowledge the receipt of the note of the plenipotentiaries of his Britannick majesty, dated on the 8th inst.

Satisfied of the impossibility of persuading the world that the government of the United States was liable to any well grounded imputation of a spirit of conquest, or of

injustice towards other nations, the undersigned, in affording explanations on several of the topicks adverted to by the British plenipotentiaries during this negotiation, were actuated by the sole motive of removing erroneous impressions.

Still influenced by the same motive, they will now add, that, at the time when the Spanish minister was remonstrating at Washington against the transfer of Louisiana, orders were given by his government for its delivery to France; that it was, in fact, delivered a short time after that remonstrance; and that if the treaty by which the United States acquired it had not been ratified, it would have become, of course, a French colony. The undersigned believe that the evidence of the assent of Spain to that transfer has been promulgated. They neither admit the alleged disability of the Spanish monarch, nor the inference which the British plenipotentiaries would seem to deduce from it; on the contrary, the assent was voluntarily given in the year 1804, by the same king who, about the same time, ceded Trinidad to Great Britain, and prior to the time when he was again engaged in war with her. The cession by France was immediately communicated to Great Britain, no circumstance affecting it, and then within the knowledge of the United States, being intentionally concealed from her. She expressed her satisfaction with it; and if in any possible state of the case she would have had a right to question the transaction, it does not appear to the undersigned that she is now authorized to do so.

After stating generally, that the proclamations of generals Hull and Smyth were neither authorized nor approved by their government, the undersigned could not have expected that the British plenipotentiaries would suppose that their statement did not embrace the only part of the proclamations which was a subject of consideration.

The undersigned had, indeed, hoped that, by stating in their note of the 9th ultimo, that the government of the United States, from the commencement of the war, had been disposed to make peace without obtaining any cession of territory, and by referring to their knowledge of that disposition, and to instructions accordingly given

from July, 1812, to January, 1814, they would effectually remove the impression that the annexation of Canada to the United States was the declared object of their government. Not only have the undersigned been disappointed in this expectation, but the only inference which the British plenipotentiaries have thought proper to draw from this explicit statement, has been, that either the American government, by not giving instructions subsequent to the pacification of Europe, or the undersigned, by not acting under such instructions, gave no proof of a sincere desire to bring the present negotiations to a favourable conclusion. The undersigned did not allude, in reference to the alleged intention to annex Canada to the United States, to any instructions given by their government subsequently to January last, because, asking at this time for no accession of territory, it was only of its previous disposition that it appeared necessary to produce any proof. So erroneous was the inference drawn by the British plenipotentiaries, in both respects, that it was in virtue of the instructions of June last, that the undersigned were enabled, in their note of the 24th of August, to state, that the causes of the war between the United States and Great Britain, having disappeared, by the maritime pacification of Europe, they had been authorized to agree to its termination upon a mutual restoration of territory, and without making the conclusion of peace to depend on a successful arrangement of those points on which differences had existed.

Considering the present state of the negotiation, the undersigned will abstain, at this time, from adducing any evidence or remarks upon the influence which has been exerted over the Indian tribes inhabiting the territories of the United States, and the nature of those excitements which have been employed by British traders and agents.

The arguments and facts already brought forward by the undersigned, respecting the political condition of those tribes, render it unnecessary for them to make many observations on those of the British plenipotentiaries on that subject. The treaties of 1763 and 1783,

were those principally alluded to by the undersigned, to illustrate the practice of Great Britain. She did not admit in the first, nor require in the last, any stipulations respecting the Indians who, in one case, had been her enemies, and, in the other, her allies, and who, in both instances, fell by the peace within the dominions of that power against whom they had been engaged in the preceding war.

The negotiation of 1761 was quoted for the purpose of proving, what appears to be fully established by the answer of England to the ultimatum of France, delivered on the 1st of September, of that year, that his Britannick majesty would not renounce his right of protection over the Indian nations reputed to be within his dominions, that is to say, between the British settlements and the Mississippi. Mr. Pitt's letter, cited by the British plenipotentiaries, far from contradicting that position, goes still further. It states that "the fixation of the new limits to Canada, as proposed by France, is intended to shorten the extent of Canada, which was to be ceded to England, and to lengthen the boundaries of Louisiana, which France was to keep, and in the view to establish what must not be admitted, namely, that all which is not Canada is Louisiana, whereby all the intermediate nations and countries, the true barrier to each province, would be given up to France." This is precisely the principle uniformly supported by the undersigned, to wit: that the recognition of a boundary gives up to the nation, in whose behalf it is made, all the Indian tribes and countries within that boundary. It was on this principle that the undersigned have confidently relied on the treaty of 1783, which fixes and recognises the boundary of the United States, without making any reservation respecting Indian tribes.

But the British plenipotentiaries, unable to produce a solitary precedent of one European power treating for the savages inhabiting within the dominions of another, have been compelled, in support of their principle, to refer to the German empire, a body consisting of several independent states, recognised as such by the whole world, and separately maintaining with foreign powers the relations belonging to such a condition. Can it be necessary to

prove that there is no sort of analogy between the political situation of these civilized communities, and that of the wandering tribes of North American savages ?

In referring to what the British plenipotentiaries represent as alarming and novel pretensions, what Great Britain can never recognise, the undersigned might complain that these alleged pretensions have not been stated, either in terms or in substance, as expressed by themselves. This, however, is the less material, as any further recognition of them by Great Britain is not necessary nor required. On the other hand, they can never admit nor recognise the principles or pretensions asserted in the course of this correspondence by the British plenipotentiaries ; and which, to them, appears novel and alarming.

The article proposed by the British plenipotentiaries, in their last note, not including the Indian tribes as parties in the peace, and leaving the United States free to effect its object in the mode consonant with the relations which they have constantly maintained with those tribes, partaking also of the nature of an amnesty, and being at the same time reciprocal, is not liable to that objection ; and accords with the views uniformly professed by the undersigned, of placing these tribes precisely, and in every respect, in the same situation as that in which they stood before the commencement of hostilities. This article, thus proposing only what the undersigned have so often assured the British plenipotentiaries would necessarily follow, if indeed it has not already, as is highly probable, preceded a peace between Great Britain and the United States. The undersigned agree to admit it, in substance, as a provisional article, subject, in a manner originally proposed by the British government, to the approbation or rejection of the government of the United States, which, having given no instructions to the undersigned on this point, cannot be bound by any article they may admit on the subject.

It will, of course, be understood, that if, unhappily, peace should not be the result of the present negotiation, the article thus conditionally agreed to shall be of no effect, and

shall not, in any future negotiation, be brought forward by either party, by way of argument or precedent.

This article having been presented as an indispensable preliminary, and being now accepted, the undersigned request the British plenipotentiaries to communicate to them the project of a treaty, embracing all the points deemed material by Great Britain; the undersigned engaging on their part to deliver, immediately after, a counter project with respect to all the articles to which they may not agree, and on the subjects deemed material by the United States, and which may be omitted in the British project.

J. QUINCY ADAMS,  
JAS. A. BAYARD,  
HENRY CLAY,  
JONA. RUSSELL,  
ALBERT GALLATIN.

*The British to the American Commissioners. Ghent, Oct.  
21, 1814.*

THE undersigned have had the honour of receiving the note of the American plenipotentiaries of the 13th instant, communicating their acceptance of the article which the undersigned had proposed on the subject of the pacification and rights of the Indian nations.

The undersigned are happy in being thus relieved from the necessity of recurring to several topics which, though they arose in the course of their discussions, have only an incidental connexion with the differences remaining to be adjusted between the two countries.

With a view to this adjustment, the undersigned, preferring, in the present state of the negotiation, a general statement, to the formal arrangement of articles, are willing so far to comply with the request of the American plenipotentiaries, contained in their last note, as to waive the advantage to which they think they were fairly entitled, of requiring from them the first project of a treaty.

The undersigned having stated, at the first conference, the points upon which his majesty's government considered the discussions between the two countries as likely to turn, cannot better satisfy the request of the American plenipotentiaries, than by referring them to that conference for a statement of the points which, in the opinion of his majesty's government, yet remain to be adjusted.

With respect to the forcible seizure of mariners from on board merchant vessels, on the high seas, and the right of the king of Great Britain to the allegiance of all his native subjects, and with respect to the maritime rights of the British empire, the undersigned conceive, that after the pretensions asserted by the government of the United States, a more satisfactory proof of the conciliatory spirit of his majesty's government cannot be given, than by not requiring any stipulation on those subjects, which, though most important in themselves, no longer, in consequence of the maritime pacification of Europe, produce the same practical results.

On the subject of the fisheries, the undersigned expressed with so much frankness, at the conference already referred to, the views of their government, that they consider any further observations on that topick as unnecessary at the present time.

On the question of the boundary between the dominions of his majesty, and those of the United States, the undersigned are led to expect, from the discussion which this subject has already undergone, that the north western boundary, from the lake of the Woods to the Mississippi (the intended arrangement of 1803,) will be admitted without objection.

In regard to other boundaries, the American plenipotentiaries, in their note of August 24, appeared in some measure to object to the propositions then made by the undersigned, as not being on the basis of *uti possidetis*. The undersigned are willing to treat on that basis, subject to such modifications as mutual convenience may be found to require; and they trust that the American plenipotentiaries will show, by their ready acceptance of this

basis, that they duly appreciate the moderation of his majesty's government, in so far consulting the honour and fair pretensions of the United States, as, in the relative situation of the two countries, to authorize such a proposition.

The undersigned avail themselves of this opportunity, to renew to the American plenipotentiaries the assurance of their high consideration.

GAMBIER,  
HENRY GOULBURN,  
WILLIAM ADAMS.

*The American to the British Commissioners. Ghent  
October 24, 1814.*

THE undersigned have the honour to acknowledge the receipt of the note of the British plenipotentiaries of the 21st instant.

Amongst the general observations which the undersigned, in their note of August 24th, made on the propositions then brought forward on the part of the British government, they remarked that those propositions were founded neither on the basis of *uti possidetis*, nor on that of *status ante bellum*. But so far were they from suggesting the *uti possidetis* as the basis on which they were disposed to treat, that in the same note they expressly stated, that they had been instructed to conclude a peace, on the principle of both parties restoring whatever territory they might have taken. The undersigned also declared in that note, that they had no authority to cede any part of the territory of the United States, and that to no stipulation to that effect would they subscribe: and in the note of the 9th September, after having shown that the basis of *uti possidetis*, such as it was known to exist at the commencement of the negotiation, gave no claim to his Britannick majesty to cessions of territory,

founded upon the right of conquest, they added, that even if the chances of war should give to the British arms a momentary possession of other parts of the territory of the United States, such events would not alter their views, with regard to the terms of peace to which they would give their consent.

The undersigned can now only repeat those declarations, and decline treating upon the basis of *uti possidetis*, or upon any other principle involving a cession of any part of the territory of the United States, as they have uniformly stated, they can treat only upon the principle of a mutual restoration of whatever territory may have been taken by either party. From this principle they cannot recede, and the undersigned, after the repeated declarations of the British plenipotentiaries, that Great Britain had no view to the acquisition of territory in this negotiation, deem it necessary to add, that the utility of its continuance depends on their adherence to this principle.

The undersigned having declared, in their note of the 24th August, that although instructed and prepared to enter into an amicable discussion of all the points on which differences or uncertainty had existed, and which might hereafter tend to interrupt the harmony of the two countries, they would not make the conclusion of the peace at all depend upon a successful result of the discussion, and having since agreed to the preliminary article proposed by the British government, had believed that the negotiation, already so long protracted, could not be brought to an early conclusion otherwise than by the communication of a project, embracing all the other specific propositions which Great Britain intended to offer. They repeat their request in that respect, and will have no objection to a simultaneous exchange of the projects of both parties. This course will bring fairly into discussion the other topics embraced in the last note of the British plenipotentiaries, to which the undersigned have thought it unnecessary to advert at the present time.

The undersigned renew to the British plenipotentiaries the assurance of their high consideration.

JOHN QUINCY ADAMS,  
JAS. A. BAYARD,  
H. CLAY,  
JONA. RUSSELL,  
A. GALLATIN.

*The American Commissioners to the Secretary of State.  
Ghent, October 31, 1814.*

SIR,—The detention of the Chauncey at Ostend, enables us to send you the enclosed note from the British plenipotentiaries, which we have just received.

We have the honour to be, &c.

JOHN QUINCY ADAMS,  
JAS. A. BAYARD,  
H. CLAY,  
JONA. RUSSELL,  
ALBERT GALLATIN.

*The British to the American Ministers. Ghent, October  
31, 1814.*

THE undersigned have the honour to acknowledge the receipt of the note addressed to them by the American plenipotentiaries on the 24th instant, in which they object to the basis of *uti possidetis* proposed by the undersigned, as that on which they were willing to treat in regard to part of the boundaries between the dominions of his majesty and those of the United States.

The American plenipotentiaries, in their note of the 13th instant requested the undersigned to communicate to them the project of a treaty embracing all the points insisted on by Great Britain, engaging, on their part, to deliver, immediately after, a *contre project*, as to all the articles to which they might not agree, and as to all the subjects deemed material by the United States, and omitted in the project of the undersigned.

The undersigned were accordingly instructed to waive the question of etiquette, and the advantage that might result from receiving the first communication, and, ~~confiding in the engagement of the American plenipotentiaries,~~ communicated, in their note of the 21st inst. all the points upon which they were instructed to insist.

The American plenipotentiaries have objected to one essential part of the project thus communicated; but before the undersigned can enter into the discussion of ~~this~~ objection, they must require from the American plenipotentiaries, that, pursuant to their engagement, they will deliver a *contre project*, containing all their objections to the points submitted by the undersigned, together with a statement of such further points as the government of the United States consider to be material.

The undersigned are authorized to state, distinctly, that the article as to the pacification and rights of the Indian nations having been accepted, they have brought forward, in their note of the 21st inst. all the propositions which they have to offer. They have no further demands to make; no other stipulations on which they are instructed to insist; and they are empowered to sign a treaty of peace forthwith, in conformity with those stated in their former note.

The undersigned trust, therefore, that the American plenipotentiaries will no longer hesitate to bring forward, in the form of articles, or otherwise, as they may prefer, those specifick propositions upon which they are empowered to sign a treaty of peace between the two countries.

The undersigned avail themselves of the present opportunity to renew to the plenipotentiaries of the United States the assurance of their high consideration.

GAMBIER,  
HENRY GOULBURN.  
WILLIAM ADAMS.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. FEB. 18, 1815.

I LAY before Congress copies of the treaty of peace and amity between the United States and his Britannick majesty, which was signed by the commissioners of both parties at Ghent, on the 24th of December, 1814, and the ratifications of which have been duly exchanged.

While performing this act, I congratulate you, and our constituents, upon an event which is highly honourable to the nation, and terminates with peculiar felicity, a campaign signalized by the most brilliant successes.

The late war, although reluctantly declared by Congress, had become a necessary resort, to assert the rights and independence of the nation. It has been waged with a success which is the natural result of the wisdom of the legislative councils, of the patriotism of the people, of the publick spirit of the militia, and of the valour of the military and naval forces of the country. Peace, at all times a blessing, is peculiarly welcome, therefore, at a period when the causes for the war have ceased to operate; when the government has demonstrated the efficiency of its

points of defence; and when the nation can review its conduct without regret, and without reproach.

I recommend to your care and beneficence, the gallant men, whose achievements, in every department of the military service, on the land and on the water, have so essentially contributed to the honour of the American name, and to the restoration of peace. The feelings of conscious patriotism and worth, will animate such men, under every change of fortune and pursuit; but their country performs a duty to itself, when it bestows those testimonials of approbation and applause, which are, at once, the reward and the incentive to great actions.

The reduction of the publick expenditures to the demands of a peace establishment, will, doubtless, engage the immediate attention of Congress. There are, however, important considerations which forbid a sudden and general revocation of the measures that have been produced by the war. Experience has taught us that neither the pacifick dispositions of the American people, nor the pacifick character of their political institutions, can altogether exempt them from that strife which appears, beyond the ordinary lot of nations, to be incident to the actual period of the world; and the same faithful monitor demonstrates that a certain degree of preparation for war, is not only indispensable to avert disasters in the onset, but affords also the best security for the continuance of peace. The wisdom of Congress will, therefore, I am confident, provide for the maintenance of an adequate regular force; for the gradual advancement of the naval establishment; for improving all the means of harbour defence; for adding discipline to the distinguished bravery of the militia; and for cultivating the military art, in its essential branches, under the liberal patronage of government.

The resources of our country were, at all times, competent to the attainment of every national object; but they will now be enriched and invigorated by the activity which peace will introduce into all the scenes of domestic enterprise and labour. The provision that has been made for the publick creditors, during the present session of Congress, must have a decisive effect in the establishment of the publick credit, both at home and abroad. The

reviving interests of commerce will claim the legislative attention at the earliest opportunity; and such regulations will, I trust, be seasonably devised as shall secure to the United States their just proportion of the navigation of the world. . . The most liberal policy towards other nations, if met by corresponding dispositions, will, in this respect, be found the most beneficial policy towards ourselves. But there is no subject that can enter with greater force and merit into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence, and attained an unparalleled maturity throughout the United States during the period of the European wars. . . This source of national independence and wealth, I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

The termination of the legislative sessions will soon separate you, fellow citizens, from each other, and restore you to your constituents. I pray you to bear with you the expressions of my sanguine hope, that the peace which has been just declared, will not only be the foundation of the most friendly intercourse between the United States and Great Britain, but that it will also be productive of happiness and harmony in every section of our beloved country. The influence of your precepts and example must be every where powerful: and while we accord in grateful acknowledgments for the protection which Providence has bestowed upon us, let us never cease to inculcate obedience to the laws, and fidelity to the Union, as constituting the palladium of the national independence and prosperity.

JAMES MADISON.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE HOUSE OF REPRESENTATIVES. FEB. 23, 1815.

I TRANSMIT to the House of Representatives a report from the acting Secretary of State, complying with their resolution of the 15th inst.

JAMES MADISON.

## REPORT

OF THE SECRETARY OF STATE RELATIVE TO THE BARBARY POWERS. FEB. 20, 1815.

The acting Secretary of State, to whom was referred the resolution of the House of Representatives of the 14th inst. requesting the President of the United States to cause to be laid before that House such information as he shall deem necessary to be communicated, touching the state of relations existing between the United States and the Barbary powers, has the honour to state, that, according to the latest accounts from Morocco, Tunis, and Tripoli, our relations with those powers remained upon their former footing, nor is there any particular reason to believe that any change has since taken place.

It will appear by the documents accompanying the message of the President to Congress on the 17th November, 1812, that the dey of Algiers had, violently, and without just cause, obliged the consul of the United States, and all American citizens then in Algiers, to leave that place, in a manner highly offensive to their country and injurious to themselves, and, in violation of the treaty then subsisting between the two nations. It appears, moreover, that he exacted from the consul, under pain of immediate imprisonment, a large sum of money, to which he had no claim but what originated in his own injustice.

These acts of violence and outrage have been followed by the capture of, at least, one American vessel, and by the seizure of an American citizen on board of a neutral vessel. The unfortunate persons, thus captured, are yet held in captivity, with the exception of two of them who have been ransomed. Every effort to obtain the release of the others has proved abortive; and there is some reason to believe that they are held by the dey as a means by which he calculates to extort from the United States a degrading treaty.

JAMES MONROE.

Department of State, Feb. 20, 1815.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. FEB. 23, 1815.

CONGRESS will have seen, by the communication from the consul general of the United States at Algiers, laid before them on the 17th November, 1812, the hostile proceedings of the dey against that functionary. These have been followed by acts of more overt and direct warfare against the citizens of the United States trading in the Mediterranean, some of whom are still detained in captivity, notwithstanding the attempts which have been made to ransom them, and are treated with the rigour usual on the coast of Barbary.

The considerations which rendered it unnecessary and unimportant to commence hostile operations on the part of the United States, being now terminated by the peace with Great Britain, which opens the prospect of an active and valuable trade of their citizens within the range of the Algerine cruisers, I recommend to Congress the expediency of an act declaring the existence of a state of war between the United States and the dey of Algiers; and of such provisions as may be requisite for a vigorous prosecution of it to a successful issue.

JAMES MADISON.

## REPORT,

RELATIVE TO PROTECTION OF AMERICAN COMMERCE AGAINST  
ALGERINE CRUISERS.

THE committee to whom has been referred the bill "for the protection of the commerce of the United States

against the Algerine cruisers," with instructions to inquire and report in detail the facts upon which the measure contemplated by the bill is predicated, report,

That in the month of July, 1812, the dey of Algiers, taking offence, or pretending to take offence, at the quality and quantity of a shipment of military stores made by the United States in pursuance of the stipulation in the treaty of 1796, and refusing to receive the stores, extorted from the American consul general at Algiers, by threat of personal imprisonment, and of reducing to slavery all Americans in his power, a sum of money claimed as the arrearages of treaty stipulations, and denied by the United States to be due; and then compelled the consul and all citizens of the United States at Algiers abruptly to quit his dominions.

It further appears to the committee, that on the 25th of August following, the American brig Edwin, of Salem, owned by Nathaniel Silsbee, of that place, while on a voyage from Malta to Gibraltar, was taken by an Algerine corsair, and carried into Algiers as prize. The commander of the brig, captain Geo. Campbell Smith, and the crew, ten in number, have ever since been detained in captivity, with the exception of two of them, whose release has been effected under circumstances not indicating any change of hostile temper on the part of the dey. It also appears, that a vessel, sailing under the Spanish flag, has been condemned in Algiers as laying a false claim to that flag, and concealing her true American character. In this vessel was taken a Mr. Pollard, who claims to be an American citizen, and is believed to be of Norfolk, Virginia, and who as an American citizen is kept in captivity. The government, justly solicitous to relieve these unfortunate captives, caused an agent (whose connexion with the government was not disclosed) to be sent to Algiers, with the means and with instructions to effect their ransom, if it could be done at a price not exceeding three thousand dollars per man. The effort did not succeed, because of the dey's avowed policy to increase the number of his American slaves, in order to be able to compel a renewal of his treaty with the United States on terms suited to his rapa-

city. Captain Smith, Mr. Pollard, and the master of the Edwin, are not confined, nor kept at hard labour; but the rest of the captives are subjected to the well known horrors of Algerine slavery. The committee have not been apprized of any other specifick outrages upon the persons or property of American citizens besides those stated; and they apprehend that the fewness of these is attributable to the want of opportunity and not of inclination in the dey, to prey upon our commerce and to enslave our citizens. The war with Britain has hitherto shut the Mediterranean against American vessels, which it may be presumed will now shortly venture upon it.

The committee are all of opinion upon the evidence which has been laid before them, that the dey of Algiers considers his treaty with the United States as at an end, and is waging war against them. The evidence upon which this opinion is founded, and from which are extracted the facts above stated, accompanies this report, and with it is respectfully submitted.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.  
FEB. 25, 1815.

PEACE having happily taken place between the United States and Great Britain, it is desirable to guard against incidents, which, during periods of war in Europe, might tend to interrupt it: and, it is believed, in particular, that the navigation of American vessels exclusively by American seamen, either natives, or such as are already natu-

ralized, would not only conduce to the attainment of that object, but also to increase the number of our seamen, and consequently to render our commerce and navigation independent of the service of foreigners, who might be recalled by their governments under circumstances the most inconvenient to the United States. I recommend the subject, therefore, to the consideration of Congress; and, in deciding upon it, I am persuaded, that they will sufficiently estimate the policy of manifesting to the world a desire, on all occasions, to cultivate harmony with other nations by any reasonable accommodations, which do not impair the enjoyment of any of the essential rights of a free and independent people. The example on the part of the American government will merit, and may be expected to receive, a reciprocal attention from all the friendly powers of Europe.

JAMES MADISON.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
SENATE. FEB. 28, 1815.

I TRANSMIT to the Senate a report from the acting Secretary of State, complying with their resolution of the 24th of October last.

JAMES MADISON.

## REPORT.

THE undersigned, acting as Secretary of State, to whom was referred the resolution of the Senate of the 24th October last, requesting the President of the United States to lay before the Senate, (provided he shall not consider the same improper to be communicated) the proof of any traffick carried on in the West Indies, by the sale of negroes taken from the United States, by the British forces since the present war, has the honour to state, that such proof was transmitted to the Executive by the honourable St. George Tucker, in the form of an affidavit of captain Williams, from which it appeared that he had been a prisoner in the Bahama islands, and that whilst there, he had been present at the sale of negroes taken from the vicinity of Norfolk and Hampton. This affidavit, voluntarily given, and strengthened and corroborated by a variety of circumstances, was considered at the time, as full proof of the fact, and was transmitted to our ministers at Ghent. When the resolution of the Senate was transmitted to this department, application was made to judge Tucker, and subsequently to major Griffin, for the original affidavit, or for an authenticated copy; as neither have yet been received, and as it is deemed improper longer to delay this report, the undersigned begs leave to refer to the accompanying papers, marked 1, 2, 3, and 4, from which the material facts stated in the affidavit, may be collected, and the circumstances which have prevented its transmission to this department explained. This subject will be further investigated with a view to place it, in all its circumstances, in the most satisfactory light.

All which is respectfully submitted.

JAMES MONROE.

Department of State, February 28, 1815.

## No. 1.

*Richmond, November 24, 1814.*

SIR,—I do myself the honour to enclose you a letter from my friend, Mr. Cabell, and one from Mr. John Tabb Smith, the magistrate before whom the affidavit was made, a copy of which I transmitted to the President. Mr. Cabell has written to major Griffin, to endeavour to procure the original, and if he should fortunately obtain it, I will lose no time in forwarding it to you.

I have the honour to be, &c.

ST. G. TUCKER.

John Graham, Esq.

Department of State, Washington.

## No. 2.

*Copy of a Letter from Joseph C. Cabell, Esq. to the Hon.  
St. George Tucker. Richmond, November 22, 1814.*

MY DEAR SIR,—I have received your favour of the 14th instant, embracing an extract from the letter recently written to you by Mr. Graham, of the department of state, on the subject of the resolution of the Senate of the United States of the 24th ultimo.

I distinctly recollect all the material circumstances in regard to the copy of the affidavit, which you forwarded to the President. About the period that major Thomas Griffin, of York, went on board the British squadron in Lynnhaven bay, for the purpose of endeavouring to recover his negroes, who had gone off to the enemy, I happened to be in Williamsburg. The destination of the slaves that had been taken or received by the British, was then a subject of curiosity and concern throughout the lower country.

I understood that a seafaring man of the name of Williams, who had been a prisoner with the enemy, and had recently arrived at Hampton, had gone in company with major Thomas Griffin, of York, before John Tabb Smith, a respectable magistrate of the county of Elizabeth City, and had made oath that while a prisoner in one of the Bahama Islands, he had been present at the sale of the negroes that had been carried off from the vicinity of Hampton and Norfolk; that the negroes were sold at a high price; and that a negro carpenter from Norfolk, was purchased for a thousand dollars. Several gentlemen of the first respectability, who had conversed with major Griffin, informed me that he spoke of Williams as a man whose appearance entitled him to credit, and that he had accordingly published the affidavit in the town of York. Through the medium of Mr. Coke, of Williamsburg, I procured a copy of this paper, which I handed to you, and was forwarded by you to the President. This affidavit was a subject of general conversation about that time. The circumstances under which Williams arrived at Hampton, the manner in which he described the negroes sold in the Bahamas, and particularly the carpenter from Norfolk, and the appearance of entire sincerity in his narrative, left no doubt, I was assured, on the mind of either Mr. Smith or major Griffin, that the alleged sale had actually taken place. I did not see major Griffin, nor did I inquire what he intended to do with the original affidavit of Williams; my conjecture was, that he would send it on to the committee of Congress, charged with the business of collecting proofs of the barbarous conduct of the war, by the enemy. As it seems he has not done so, I presume it remains in his possession. I will write immediately to him with the view of ascertaining whether this be the fact; and if it be, to request the favour of him to enclose me the affidavit. The result of my inquiries of that gentleman shall be made known to you without delay.

In the interim, I remain, most respectfully and sincerely yours, &c.

JOS. C. CABELL.

## No. 3.

*Copy of a Letter from John Tabb Smith, Esq. to Judge Tucker. Hampton, November 21, 1814.*

SIR,—Your favour I have now before me. Some time in the year 1813, there came before me a captain Williams (I think his name was) in company with major Thomas Griffin, of York, with the affidavit you speak of in your letter, which he swore to before me, and I gave my certificate thereto. I then gave the affidavit to major Griffin, and expected to see it published in one of the Richmond papers, but never heard of it since, but from your letter. I expect the original can be got from major Griffin. But if it is mislaid, I will recollect the substance of the affidavit, and will render you any service in my power.

I am, with respect,

JOHN TABB SMITH.

If it can be got from major Griffin, it had better be in the captain's own words, with my certificate.

J. T. S.

St. George Tucker, Esq. &c.

## No. 4.

*York, Virginia, Feb. 16, 1815.*

SIR,—Your favour of the 6th instant has been received. I have examined my papers, and cannot find the original affidavit of captain Williams, therein alluded to. The copy I gave Mr. Cabell was literally correct; the original has been mislaid, or I fear lost in the bustle of moving papers from hence so frequently as has been done, to place them

without the reach of the enemy during the war. I will again examine, and endeavour to recover the affidavit, and will forward the same to the department of state as soon as it shall be recovered.

Very respectfully, I am, sir, your obedient servant,  
THOS. GRIFFIN.

John Graham, Esq.

Department of State, Washington.

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## PROCLAMATION

OF THE PRESIDENT OF THE UNITED STATES, FORBIDDING  
ALL ENTERPRISES AGAINST THE DOMINIONS OF SPAIN.  
SEPT. 1, 1818.

[See Appendix to Vol. XII.]

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